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TRANSFER OF LORTON REFORMATORY TO THE DISTRICT OF COLUMBIA

HEARINGS

BEFORE THE

SUBCOMMITTEE ON NATIONAL PENITENTIARIES

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

NINETY-FOURTH CONGRESS

FIRST SESSION

ON

S. 1243

TO AMEND TITLE 18, UNITED STATES CODE, RELATING TO THE AUTHORITY OF THE ATTORNEY GENERAL OVER THE CONFINEMENT OF OFFENDERS

JUNE 10, JULY 10, SEPTEMBER 9, 1975

Printed for the Use of the Committee on the Judiciary

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TRANSFER OF LORTON REFORMATORY TO THE DISTRICT OF COLUMBIA

TUESDAY, JUNE 10, 1975

U.S. SENATE,
SUBCOMMITTEE ON NATIONAL PENITENTIARIES,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m. in room 6202, Dirksen Senate Office Building, Senator Quentin N. Burdick, presiding.

Present: Senators Burdick and Scott.

Also present: Senator Harry F. Byrd Jr.

Also Present: James G. Meeker, staff director; Christopher Erlewine, deputy counsel; Richard E. Kait, minority counsel; Judith E. Snopek, chief clerk.

Senator BURDICK. I am pleased to open hearings on S. 1243, legislation dealing with prisoners sentenced for crimes in the District of Columbia, which was introduced by the ranking minority member of our subcommittee, Senator Scott.

The subject of District of Columbia prisoners, and the group of prison facilities known as Lorton, is an unusual one for this subcommittee. Prior to this, we have been concerned with offenders sentenced in Federal courts.

However, these District of Columbia prisoners are, technically, Federal prisoners because they have been committed to the custody of the Attorney General for the term of their sentence.

Because Lorton facilities have not previously been considered by this subcommittee, I am unfamiliar with many aspects of the District of Columbia Department of Corrections and look forward to hearing the witnesses and examining their testimony during the coming weeks.

[The bill referred to follows:]

94TH CONGRESS
1ST SESSION

S. 1243

IN THE SENATE OF THE UNITED STATES

MARCH 19 (legislative day, MARCH 12), 1975

Mr. WILLIAM L. SCOTT introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, relating to the authority of the Attorney General over the confinement of offenders.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 301 of title 18, United States Code, is amended by adding immediately after section 4003 the following new section:

"§ 4003A. Federal institution in District of Columbia if appropriate facility is not available therein

"(a) If, on January 1, 1978, there is not available within the District of Columbia a suitable penal or correctional institution, or other suitable institution or facility, to which inmates confined in the Lorton Penal Institutions on

1 December 31, 1977, might be transferred in order to provide
2 for the imprisonment, subsistence, care, and proper employ-
3 ment of such inmates, or to which any individual convicted
4 of a crime in any court in the District of Columbia may, on
5 or after December 31, 1977, be designated by the Attorney
6 General as the place of confinement for such individual, the
7 Attorney General may select a site within the District of
8 Columbia and cause to be erected thereon suitable facilities
9 to provide for such imprisonment, subsistence, care, and
10 employment, or the Attorney General may provide for such
11 imprisonment, subsistence, care, and employment by utiliz-
12 ing other suitable penal or correctional facilities under his
13 jurisdiction, or by utilizing his authority under section 4002
14 of this title to provide for such imprisonment, subsistence,
15 care, and employment.

16 "(b) As soon as practicable following January 1, 1978,
17 the Attorney General shall, notwithstanding any other
18 provision of law, take such action as may be necessary to
19 dispose of all lands in the Lorton-Occoquan area of Fairfax
20 County, Virginia, owned by the United States and under the
21 management of the government of the District of Columbia,
22 including the Lorton Penal Institutions, together with all
23 buildings and other facilities comprising such penal institu-
24 tions, namely the Correctional Complex, the Minimum
25 Security Facility, the Youth Corrections Center and the

1 Alcoholic Rehabilitation Center. Such lands, buildings, and
2 facilities shall be disposed of at not less than the appraised
3 fair market value thereof and the proceeds therefrom shall
4 be available for use by the Attorney General in carrying
5 out his functions under subsection (a) of this section, except
6 that if on January 1, 1978, the Attorney General determines
7 that suitable penal, correctional, or other facilities have been
8 or will be made available by the government of the District
9 of Columbia within the exterior boundaries of the District
10 of Columbia, the Attorney General shall make available to
11 the government of the District of Columbia the proceeds from
12 the sale of such lands, buildings, and facilities under this
13 section.

14 "(c) Notwithstanding any other provision of law, all
15 moneys appropriated to the District of Columbia for use in
16 connection with the renovation or improvements at the
17 Lorton Penal Institutions and which remained unexpended as
18 of March 15, 1975, shall be available solely for the establish-
19 ment within the District of Columbia of a penal or correc-
20 tional institution or other suitable institution or facility for
21 purposes of providing imprisonment, subsistence, care, and
22 employment of inmates and individuals referred to in sub-
23 section (a) of this section.".

Senator Scott?

Senator SCOTT. Mr. Chairman, let me first thank you for scheduling these hearings on the measure to transfer Lorton Penal Institution into the District of Columbia. The location of the prison complex operated by the District of Columbia within the State of Virginia has caused a variety of problems over the years. And I believe this would be true in any instance where a prison complex controlled by one jurisdiction is located in another.

I believe we have a good balance of witnesses representing the District of Columbia, the Federal Government, Virginia, and the county of Fairfax. It is nice to see my senior colleague, Senator Byrd, here, prepared to testify on this measure. Our witnesses can be expected to have some differences of opinion. But, I hope, Mr. Chairman, that after hearing from the various witnesses, we can arrive at some method of eliminating the conflicts that exist between Virginia and the District of Columbia.

In essence, the bill provides that the District shall erect suitable penal institutions within its own boundaries as a substitute for those presently located at Lorton in Fairfax, Va. It also provides that funds which have been appropriated to improve the Lorton facilities are authorized to be used in connection with the construction of facilities in the District, and that the Lorton property shall be sold at fair market value and the proceeds therefrom be made available to the District of Columbia Government. In other words, the District of Columbia will be free to construct substitute facilities at any place within the District, to make its own design, and to have control over its own facilities. This would appear to be an adequate incentive for the District to relocate, and entirely fair to the District of Columbia.

Of course, Mr. Chairman, Virginians both in and out of Fairfax County want these facilities removed. Their views have been expressed by the Board of Supervisors, the General Assembly, by bills introduced into the Congress, by the Attorney General and Governor of Virginia.

Mr. Chairman, I do ask that a copy of the letter from the Governor expressing his views on this bill, be included at this point.

Senator BURDICK. Without objection, it will be received.

[The material referred to follows:]

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE GOVERNOR,
Richmond, April 1, 1975.

Hon. WILLIAM L. SCOTT,
U.S. Senate
Washington, D.C.

DEAR BILL: Thank you for your letter of March 24 containing a copy of S.1243 relating to the relocation of the Lorton penal facility operated by the District of Columbia in Fairfax County, Virginia.

As you know, many complaints have reached our office about this matter and I can well understand the concern of the local residents and officials. It would please me if your bill could be passed.

I said at my press conference last week that while the recently negotiated settlement for certain improvements at the Lorton facility would help, that I still would like to see the institution moved outside of Virginia. It seems to

me to be too bad that a facility so poorly managed or even for a facility of this kind operated by another political jurisdiction has to be located within our state and people subjected to all of the hazards of inadequate supervision and personnel and the other problems related to this prison.

I share the concern of so many Northern Virginia citizens about the lack of security over the prisoners confined in this facility.

Sincerely yours,

MILLS E. GODWIN, Jr.

Senator SCOTT. Mr. Chairman, the country could well have some reservation about the funds from sale being transferred to the District of Columbia. We need to work out a solution to this perennial problem. And I look forward to hearing the testimony of the witnesses. And, again, I thank you, Mr. Chairman, for scheduling this hearing.

Senator BURDICK. Senator Byrd?

Senator HARRY F. BYRD JR. Thank you, Mr. Chairman. I want to endorse Senator Scott's proposal. I think it is important that something be done about this facility, penal facility for the District of Columbia which is located in Fairfax County, Va.

Mr. John Herrity, a member of the board of supervisors who represents Springfield District of the area in which the penal facility is located will testify. And Mrs. Jean Packard, chairman of the Fairfax County Board of Supervisors will testify in this regard.

I might say that Fairfax County is the largest political subdivision in the State of Virginia. It has 550,000 persons, in that one county. So far as I can determine, the county is rather unanimous in its view that it is unjust to have this penal facility located in the county. It does not contain prisoners from Virginia, but from the District of Columbia.

I have a statement which I would like to submit for the record, Mr. Chairman. But other than that I only want to welcome Mr. Herrity and Mrs. Packard to the Capital and to the Senate.

I want to thank the Chairman and the committee for the opportunity to make this statement today in support of Senator Scott's proposal.

Senator BURDICK. Yes, that statement will be made a part of the record without objection.

[The prepared statement of Senator Byrd follows:]

PREPARED STATEMENT OF SENATOR HARRY F. BYRD, JR.

Mr. Chairman, The legislation before this Committee today seeks to provide for the orderly, definite removal of the District of Columbia's prison facility from Lorton, Virginia.

The people of Fairfax County, Virginia, through their Board of Supervisors, have called for the ultimate removal of the District's correctional complex at Lorton.

They have my full agreement and support.

It is unprecedented for one local jurisdiction to have its prison facility for hardened criminals within the borders of another State. It is unconscionable for such a situation to continue against the will of offended State.

Yet this is precisely the situation which exists with respect to the District of Columbia's Lorton Penal Institutions.

Consider the origins of this complex, which now sits like an unwelcomed canker in the Fairfax County countryside:

In 1908, President Theodore Roosevelt established a commission to study overcrowding at the District of Columbia's jail and to make recommendations.

As a result of that study, Congress authorized the creation of "an open institution"—a work farm, for short-term prisoners and first-offenders for whom the discipline and training of such a setting would provide wholesome reform.

A 3,500 acre site was purchased in the Occoquan area of Fairfax County in 1910. The original inmate population was 25 men.

In 1916, five buildings were constructed to house these short-term, rehabilitatable prisoners. A Women's detention center had also been established there by this time.

It was not until 1930 that the omninous brick and stone walls and maximum security facilities were erected at the Lorton site. Major construction continued at the facility through 1941. The final addition of the Youth Center was made in 1960.

While the people of Fairfax County have watched with alarm, the quality of administration and security procedures at the Lorton complex have deteriorated as the facility has grown, to the point where escapes occur at a rate greater than ten a month:

In his 1974 report on the need for better management and tighter security at the Lorton Correctional Institutions, the Comptroller General of the United States noted these grim statistics:

> During the period from July, 1971, through December, 1973—42 months —there were Four Hundred and Forty-Four escapes.
>
> As of January 25, 1974, 50 of those escaped felons were still at large.
>
> The average population of the entire facility during that period never exceeded 2430 inmates, meaning that over 18 percent of the inmate population eventually escaped from the imprisonment to which they had been sentenced for commission of their crimes.

The people of Fairfax County have attempted to communicate their deep and abiding concerns over this situation to the government of the District of Columbia. Their efforts have gone to naught.

In the face of mounting citizen concern, widespread criticism by responsible spokesmen, threatened legal action, continuing lax administration of the facility and the ever-present reality of escaping felons from its confines, the Mayor of the District of Columbia recently had the temerity to propose a massive $55 million expansion and renovation of the Lorton criminal complex.

This announcement came without even the courtesy of a prior communication by the District of Columbia government to the officials of Fairfax County.

Chairman Jean R. Packard of the Fairfax County Board of Supervisors has called this proposal "unconscionable".

I agree.

Can any reason founded upon our traditional notions of equity and justice be given for allowing the District of Columbia to continue to house its hardened criminals in Virginia? I think not.

Why should not the District of Columbia house its convicted felons, youthful offenders and alcoholics within the District of Columbia?

Mr. Chairman, the legislation my colleague from Virginia has introduced presents a reasonable time-table and procedure for the phase-out of the District's criminal complex at Lorton.

It provides that no action need be taken by any Federal official before January 1, 1978. During the intervening period, if the officials of the District of Columbia use even a modicum of diligence, site selection within the District's boundaries, design and planning, and even construction on a new facility can be taking place.

On January 1, 1978, the Attorney General is directed to dispose of the Federal holdings at Lorton—land and buildings—and at their fair-market value—and use the proceeds either to reimburse the District of Columbia for its expenses in the construction of its new facility, if it has acted responsibly—or to purchase a site within the District and construct a prison facility for the District of Columbia, if the District persists in its inaction on rational alternatives to the present situation.

In closing, Mr. Chairman, I would like to express to you and my colleague from Virginia my appreciation and the appreciation of the people of Virginia —especially from the Lorton area of Fairfax County—for calling these hearings and facing this problem in a forthright and responsible manner. For too long, in too many quarters, there has been a flat refusal to consider this matter, despite the earnest efforts by Fairfax County.

Your interest and candor are refreshing and truly welcomed.

Senator BURDICK. Our first witness this morning will be Mr. Norman Carlson, Director of the Federal Bureau of Prisons.

It is good to see you this morning, Mr. Carlson. You may proceed in any way that you wish.

[The prepared statement of Mr. Norman A. Carlson follows:]

STATEMENT OF NORMAN A. CARLSON, DIRECTOR, FEDERAL BUREAU OF PRISONS

Mr. Chairman and members of the committee, I welcome the opportunity to appear before you today to discuss Senate Bill 1243. As you requested, I will share my views on this legislative proposal. My views have been discussed with other officials of the Department of Justice and represent the Department's viewpoint.

The purpose of S. 1243 is to cause the construction of prison facilities within the District of Columbia to replace the Lorton Complex currently located in Northern Virginia. If by December 31, 1977, the District of Columbia authorities did not have available, within the District, a suitable replacement facility, the Bill would authorize the Attorney General to select a site within the District of Columbia and cause to be erected thereon such a prison facility. Alternately, in that event, the Attorney General would be authorized to take custody of District of Columbia prisoners and place them in other institutions. The Bill further provides that the Attorney General shall under such circumstances dispose of all the real property in Virginia and use the proceeds therefrom for the construction of a replacement facility unless prior to that time, the Attorney General determines that the District of Columbia Government has or will have "suitable" facilities within the geographical borders of the District of Columbia. Finally, the Bill would prevent the use of funds for renovations or improvements at the Lorton Complex.

The Department of Justice takes no position in respect to the basic thrust of the legislative proposal which is to impliedly require the District of Columbia officials to provide a suitable penal or correctional facility within the District of Columbia by January 1, 1978. In short, we do not express an opinion on whether the facility should be in the District of Columbia or the Commonwealth of Virginia. We are concerned, however, about the provisions of this Bill that would take effect if a suitable replacement facility were not completed with the prescribed time.

The Lorton Complex is under the supervision of the D.C. Department of Corrections. As you know, the Federal Bureau of Prisons has no responsibility for the D.C. Department of Corrections. However, we have been working with the local Superior and U.S. District Courts and with District of Columbia Department of Corrections officials taking many offenders who would ordinarily be committed to the District of Columbia Department of Corrections. Since 1972, we have accepted all offenders committed from the United States District Courts which previously went to Lorton. We currently have 327 such commitments in Federal Prison facilities located throughout the United States.

In addition to accepting all U.S. District Court commitments, we accept many D.C. Superior Court offenders who would ordinarily be committed to Lorton. Female commitments from the District who have sentences of more than one year to serve are sent to the Federal Reformatory for Women at Alderson, West Virginia. We receive those defendants sentenced under the Narcotic Addict Rehabilitation Act into the Federal Prison System for service of sentence. Additionally, we accept a large number of commitments who for various reasons such as need for protective custody can not be safely placed at Lorton. The total of such Superior Court commitments that we currently have in the Federal Prison System is 403.

To summarize, the Federal Prison System is currently providing for 730 District of Columbia offenders who, under other circumstances, would be in the custody of the District of Columbia Department of Corrections.

One of the remedies available under the proposal provides that if no District of Columbia facility is available by December 31, 1977, the Attorney General would utilize suitable Federal facilities. However, due to severe overcrowding within the Federal Prison System, it would not be possible for us to accept all District of Columbia commitments into our system for service of sentence. We are currently operating at approximately 20% over capacity and to accept all

commitments from the District would place a demand on us which would be far beyond our capability to handle.

We also can not support the alternative course open to the Attorney General if the replacement facility is not constructed by December 31, 1977. If this condition is not fulfilled, the Congress itself, could at that time take measures to cause the construction of a suitable facility rather than imposing this responsibility on the Attorney General.

While the concerns which gave rise to this Bill are understandable, the Department of Justice does not believe that the Attorney General should assume or supersede the responsibility of local authorities in the District of Columbia.

I would be pleased to respond to any questions you may have.

STATEMENT OF NORMAN A. CARLSON, DIRECTOR, U.S. BUREAU OF PRISONS; ACCOMPANIED BY J. MICHAEL QUINLAN, LEGAL COUNSEL

Mr. CARLSON. Mr. Chairman and members of the committee, I am pleased to be before the subcommittee and discuss the bill which is now pending.

I am accompanied by Mr. Michael Quinlan, an attorney on my staff who has worked with me on this subject matter.

Mr. Chairman, I have a short statement, which, because of its brevity, I would like to read for the record.

The views I express in this statement are the views of the Department of Justice.

As Senator Scott indicated, the purpose of S. 1243 is to cause the construction of prison facilities within the District of Columbia, to replace the Lorton Complex currently located in Northern Virginia.

If by December 31, 1977, the District of Columbia authorities did not have available, within the District, a suitable replacement facility, the bill would authorize the Attorney General to select a site within the District of Columbia and cause to be erected thereon such a prison facility.

Alternately, in that event, the Attorney General would be authorized to take custody of the District of Columbia prisoners and place them in other institutions. The bill further provides that the Attorney General shall under such circumstances dispose of all the real property in Virginia and use the proceeds for the construction of a replacement facility unless prior to that time, the Attorney General determines that the District of Columbia Government has or will have suitable facilities within the geographical borders of the District of Columbia. Finally, the bill would prevent the use of funds for renovations or improvements at the Lorton Complex.

The Department of Justice takes no position in respect to the basic thrust of the legislative proposal which is to impliedly require the District of Columbia officials to provide a suitable penal or correctional facility within the District of Columbia by January 1, 1978.

In short, we do not express an opinion on whether the facility should be in the District of Columbia or the Commonwealth of Virginia. We are concerned, however, about the provisions of this bill which would take effect if a suitable replacement facility were not completed within the prescribed time.

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Additionally, we accept a large number of commitments who for various reasons such as need for protective custody cannot be safely placed at Lorton. The total of such superior court commitments that we currently have in the Federal Prison System is 403.

To summarize, Mr. Chairman, the Federal Prison System is currently providing for 730 District of Columbia offenders who, under other circumstances, would be in the custody of the District of Columbia Department of Corrections.

One of the remedies available under the proposal provides that if no District of Columbia facility is available by December 31, 1977, the Attorney General would utilize suitable Federal facilities. However, due to severe overcrowding within the Federal Prison System, it would not be possible for us to accept all District of Columbia commitments into our system for service of sentence. We are currently operating at approximately 20 percent over capacity and to accept all commitments from the District would place a demand on us which would be far beyond our capability to handle.

We also cannot support the alternative course open to the Attorney General if the replacement facility is not constructed by December 31, 1977. If this condition is not fulfilled, the Congress itself, could at that time take measures to cause the construction of a situable facility rather than imposing this responsibility on the Attorney General.

While the concerns which gave rise to this bill are understandable, the Department of Justice does not believe that the Attorney General should assume or supersede the responsibility of local authorities in the District of Columbia.

That concludes my formal statement, Mr. Chairman. I would be pleased to answer any questions that you or members of the committee may have.

Senator BURDICK. Thank you very much for your contribution this morning.

I will let Mr. Scott commence the questioning.

Senator SCOTT. Thank you, Mr. Chairman.

Mr. Carlson, I also commend you for your insights in your statement.

I believe Lorton has less inmates today than it had a few years ago and perhaps your taking 730 of them, as I understand, is bound to have some bearing on this.

You indicate that you do not have the facilities to absorb all of the inmates at Lorton, if that burden should be thrust upon you. And I would hope that it would not be. Actually, it is not the intention of this bill to do that.

The thrust in the bill, of course, is to build new facilities within the District of Columbia, as you have mentioned in your testimony. But do you have additional space under construction. Do you have some buildings around the country under construction that would expand the number of prisoners that you could accommodate?

Mr. CARLSON. Senator Scott, we currently have six institutions under construction, which would be course expand our capability to house additional offenders.

At the same time, I should point out that the rate of commitments by U.S. District Courts across the country has been expanding substantially in recent months. We presently project that as these new institutions are opened, all we will be able to do is maintain the status quo as far as the level of overcrowding is concerned.

In addition, sir, none of these new institutions are located in the general area of Washington, D.C.

Senator SCOTT. What is the total number of inmates you have, nationwide, roughly.

Mr. CARLSON. At the present time we have 23,200 inmates in Federal institutions.

Senator SCOTT. There is roughly 2,000 down at Lorton?

Mr. CARLSON. Approximately, as I understand it, sir.

Senator SCOTT. Do you know of any place in the country where, within one State there is located a facility for, a prison facility for inmates from outside of the State?

Mr. CARLSON. With the exception of Federal institutions, no, sir, I do not.

Senator SCOTT. Of course your Federal facilities are nationwide. I believe this is what causes our difficulty, to a large extent. I understand, from looking at your testimony and hearing you relate it, that you are concerned primarily with the Department of Justice's part in this bill. Is that a fair statement?

Mr. CARLSON. That is correct, Senator Scott.

Senator SCOTT. Now, could we amend this in some way so that the General Services Administration or some other branch of the Government could do it? I notice, sir, that you indicate that Congress could do it. Of course, Congress is a legislative body and we would need someone in an administrative or in the executive department of the Government, and I am sure that if Congress did impose that duty on the Department of Justice, it would be carried out. You are just recommending against it. Would you think the General Services Administration might be a suitable substitute, or who might you suggest? Who builds the prisons generally around the country?

Mr. CARLSON. Senator Scott, the appropriations are provided to the Bureau of Prisons. We, in turn, use the General Services Administration as our construction agent. They are merely concerned with the facilitation of the construction project itself. We are responsible for the design and general oversight of all of our construction projects. They are merely our agent as far as the negotiation of contracts are concerned.

Senator SCOTT. You have a responsibility, do you, for all inmates within the District of Columbia? You indicate you have no responsibility as far as the Department of Corrections are concerned. And yet, you have taken 730 of the prisoners. Now, do you have discretion on what prisoners you will take and what you will not if you had suitable space and if you had the inclination. Do you have the authority under present law to take all the prisoners?

Mr. CARLSON. Yes we do. Because all offenders, committed either by U.S. District Court or the D.C. Superior Court are committed to the Attorney General's custody. So, in that sense, we do have the authority.

Senator SCOTT. Well, Mr. Carlson, just a final question. Let me go back to this point that you would prefer for the Department of Justice not to be involved in determining a site to actually plan the facilities. Of course, I would too, and the bill is aimed in the direction of having the District do this, but, if the District did not do it and if we wanted to construct a facility as a substitute, how would you go about that? Who would you impose that burden on?

Mr. CARLSON. Senator Scott, I have no thought as to who could do it. I have expressed the Department's view regarding the present proposal. Insofar as any other executive branch agency, I obviously, am not in a position to comment.

Senator SCOTT. Ordinarily it would be done, if it was done by any Department in the executive branch, by the Department of Justice, through the Bureau of Prisons?

Mr. CARLSON. For institutions operated by the Federal Bureau of Prisons to house offenders committed to our custody, the answer would be, yes.

Senator SCOTT. Well of course the Congress, having full legislative jurisdiction, if we act on behalf of the District of Columbia, what other agency could we give it directly to, General Services? Is the Department of Justice the logical one if the Congress sees fit to do this?

Mr. CARLSON. I don't know what the mandate of the General Services Administration would be in this regard. As I explained, they serve as the construction agent for the Bureau of Prisons in regard to our other projects. However, the funds are appropriated by the Congress directly to the Bureau of Prisons. And we in turn merely make a paper transaction with the General Services Administration.

Senator SCOTT. Thank you, Mr. Carlson. I have no further questions. But we appreciate your statement and your response to the questions. Thank you.

Mr. CARLSON. Thank you.

Senator SCOTT. Counsel wants to ask some questions.

Mr. MEEKER. Mr. Carlson, the Bureau of Prisons has recently completed three new facilities and has several others under construction. From your experience, could you estimate the cost of building or acquiring the space needed to house the 2,000 or so prisoners presently incarcerated at Lorton?

Mr. CARLSON. Mr. Meeker, that is extremely difficult to estimate. However, I could say that the current construction costs of the projects that we have underway as well as those by State and local governments are running between $35,000 and $40,000 per inmate. So, multiply that figure by the 2,000 offenders and you have a ballpark estimate as to the approximate cost.

Mr. MEEKER. Do you have any information, or could you give the subcommittee any advice as to how long a leadtime is involved in new construction in terms of acquiring land, clearing legal hurdles such as the environment impact statements, planning and construction itself?

Mr. CARLSON. Mr. Meeker, I would say between 3 and 4 years, from the beginning of the project, when it is approved by Congress, until it is finally completed.

Mr. MEEKER. If the subcommittee should act on this legislation, would you favor amending it to clarify the status of prisoners from the Superior Court of the District of Columbia to have them committed to the custody of the D.C. Government, rather than the custody of the Attorney General, as at present.

Mr. Carlson. Yes, I would. I believe the present Statutory authority is ambiguous. We have both the U.S. Code and the D.C. Code and there is confusion between the two.

The D.C. Code provides that while offenders are technically committed to the Attorney General's custody, the responsibility for prison facilities clearly lies with the Commissioner of the District of Columbia, rather than with the Attorney General. So it is an ambiguous situation at the present time.

I would hope that at some future date it could be clarified.

Senator SCOTT. Thank you very much, Mr. Carlson.

Is Mrs. Packard here?

Mrs. PACKARD. Yes, sir.

Senator SCOTT. Mrs. Packard, would you come to the witness table? I will ask you to withhold your statement for a moment, until we check on the Chairman.

Senator BURDICK. Welcome to the committee, Mrs. Packard.

[The prepared statement of Mrs. Packard follows:]

STATEMENT OF JEAN R. PACKARD, CHAIRMAN, BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VA.

I am very pleased to appear today before the Subcommittee on National Penitentiaries for the Senate Judiciary Committee as chairman of the Fairfax County Board of Supervisors to express my support for Senate bill 1243.

I. OPERATION OF THE LORTON PENAL INSTITUTIONS AS A PUBLIC NUISANCE

The operation of the Lorton Penal Institutions within Fairfax County has been and continues to constitute a public nuisance detrimental to the health, safety, and welfare of the residents. The effect of continual prison escapes and prison disturbances in and on our community denies our citizens their constitutional right to freely travel and associate with their neighbors, to feel secure

in their homes, and to a fundamental right of privacy. It denies them the privilege of sending their children to school without fearing for their children's safety. The operation of these facilities also constitutes a source of a continual pollution of the air and water within the County.

In a law suit which we filed in the U.S. District Court for the Eastern District of Virginia on May 20 of this year, the county is seeking relief in the form of monetary compensation. Two million dollars is for the cost of providing police, fire, and rescue services to the complex. The remainder is as compensation for the damages resulting from the operation of this nuisance. But the only truly satisfactory solution to assure that these problems will not reoccur is to prevent the operation of this facility as a nuisance. And the only way the residents can be truly assured that this nuisance will be so abated is by removal of these facilities from the county.

The county in its pending litigation seeks to prevent persons being confined at the Lorton Complex by no later than December 31, 1980. It also seeks to prevent the expending of any moneys or any capital improvements at the facilities which are in any way inconsistent with the cessation of penal operations at the Lorton Complex.

II. THE FAILURE OF NEGOTIATIONS

Because of the location of the Lorton Penal Institutions within the Fairfax County, our residents are intimately affected by the operation of these facilities. Unfortunately, a long history of fear by Fairfax County residents because of the way Lorton has been operated has dominated the concern of the residents over the operation of the prison in our county.

The seriousness and repetitiveness of the problems has resulted in a continuation of these fears. For many years there have been repeated serious incidents which directly affect the residents. The County and the District of Columbia have a long history of negotiating and of trying to work out problems of mutual concern to both the inmate population and the residents of the County.

The District of Columbia has been contemplating major renovations and capital improvements costing several million dollars within the Lorton facility under a program originally called the Lorton Expansion Program but which is now known as the Lorton Improvement Program. In an effort to be informed with respect to these proposals and to work out existing problems, the County in 1974 renewed in earnest its attempts to reach a mutually agreeable solution with the District.

Hopefully, we could have formalized our solutions in a Memorandum of Understanding. We sought specific assurances with respect to physical security improvements. We also sought a formula to provide for reimbursement to the County for the cost of providing to the Lorton facilities police, fire and rescue services. We wanted assurance that the facilities complied with building code life safety provisions. We pressed for an abatement of the air and water pollution of Fairfax County caused by these facilities. We also hoped to resolve the complex jurisdictional issues resulting from the United States acquisition in several parcels at different times of the land at Lorton. Unfortunately, the District and the County could not work out a mutually satisfactory solution by means of a negotiated Memorandum.

The inability of the jurisdictions to reach a mutually satisfactory agreement was a serious disappointment. It was combined with the fear and concern engendered by the Christmas Day riot of 1974, which received national attention. The escapes and disturbances followed unabated even after the December riot. These events led to our realization that we had no alternative but to initiate litigation against the parties responsible for allowing these conditions to occur.

III. ANALYSIS OF SENATE BILL 1243

Senate Bill 1243 which is before your Subcommittee would do much to provide the very relief the County so urgently needs. Subsection (a) of the proposed Section 4003A provides that prisoners incarcerated in the facilities on December 31, 1978 could be transferred to another site, whether in the District of Columbia or otherwise. However, use of the phrase "may" throughout this subsection, suggests that until such time as the property is ultimately disposed of or an alternative site is available, prisoners could remain at the Lorton

facilities. Under Subsection (b), the disposal of the lands and buildings is mandatory. But the phrase requiring disposal of property "as soon as practicable" is not sufficiently precise to assure the actual disposal of property or exodus of inmates within a given time frame.

Therefore, I would recommend that the addition of the following sentence to the end of Subsection (a), beginning on line 15 would go far towards tightening the language:

"(*a*) * * * It is further provided that in no event shall any inmate be confined in the Lorton Penal Institutions after December 31, 1980."

I believe the inclusion of such wording would clarify what appears to be the clear intent of the legislation to terminate the operation of the facility as prison as soon as possible.

Another problem which concerns me in reviewing the Bill relates to the disposition of the land by sale. The Commonwealth of Virginia has expressed a potential interest in acquiring this land to serve the best interests of the people of Virginia and those of its subdivisions or agencies.

Fairfax County also would be interested in acquiring the property for County-related uses. One of the recommendations made by the Fairfax County Planning Commission concerning this property, states "If the entire property of the District Columbia Department of Corrections should be declared surplus, its re-use should be planned as a unit. For example either the State of Virginia, Northern Virginia Regional Park Authority or Fairfax County Park Authority might develop the acreage for multi-facility, regional-serving park use." If parkland were not feasible, I am certain the Board of Supervisors would not consider any alternative use for this acreage except low-density residential.

Traditionally, when Federal land has been declared no longer useful for its original purpose, it has been declared surplus and made available to local or state units of government. I would strongly urge that this accepted practice be followed, rather than the proposed requirements.

The requirement for disposition by sale would preclude the acquisition by the Commonwealth through any other means, such as exchange of property. Therefore, it is my opinion that subsection (b) should be amended.

I should like to bring to the attention of the Subcommittee the strong support which Fairfax County has given to Senate Joint Resolution No. 103, adopted at the most recent session of the Virginia General Assembly. Pursuant to this Resolution, the Legislature has created a Commission on the acquisition of the Lorton Reformatory Facility, on which I serve.

The purpose of the Commission is to determine the feasibility of acquiring the Lorton Reformatory facilities, and to work with the District of Columbia and the federal government to this end. The Commission shall report to the Governor and the Virginia General Assembly by November first of 1975.

The General Assembly in its Resolution recognizes the problems created by escaping and rioting prisoners and the anguish it has caused the people of Fairfax County. Therefore, the Commission will explore the feasibility of acquisition of the properties so as to best serve the interests of the Commonwealth and its agencies and subdivisions.

In this respect the focus may be somewhat different than that of the proposed Bill. Nonetheless. I believe the guiding principle behind both the Senate Bill and the Virginia Resolution is a recognition that the only ultimate solution is the termination of the operations of the Lorton penal facilities in Fairfax County.

IV. CONCERN FOR WELFARE OF INHABITANTS OF THE LORTON PENAL INSTITUTIONS

Underlying Fairfax County's interest is not only concern for its own residents but concern for the inmate population itself. Today reform of criminal offenders is a vital and essential goal for the administration of the criminal process. Correctional facilities indeed are meant to serve correctional functions. They exist not merely as punitive facilities solely for the purpose of removing the criminal offender from society but rather to restore the offender from society but rather to restore the offender to a productive role in society. It is with the utmost concern that the County recognizes that the Lorton penal facilities are totally inadequate to meet this more enlightened approach.

On December 16, 1974, Fairfax County Board of Supervisors welcomed Mayor Washington and several other District of Columbia officials at its public

meeting to discuss the Lorton Complex. It was at that time that Mr. Delbert Jackson, Director of the District of Columbia Department of Corrections stated that one of the main purposes for the Lorton Improvement Program was, and I quote, for "the relief of the inhumane conditions that exist at Lorton presently." He further told our Board that the central facility in which there is completely open dormitory type housing was, and I quote again from Mr. Jackson, "antiquated, monolithic, * * * almost unmanageable in terms of management, administratively, as well as operationally. What we propose to do is to reduce that monstrosity, and I use the word literally. * * *" As is stated so well in the Resolution 103 adopted by the Virginia General Assembly and strongly supported by this Board:

"[M]odern correctional practices place much emphasis on rehabilitation through training in lines of work in which jobs now exist, and * * * the support of the prisoner's family in the rehabilitation process through easily available visitation and through various intermediate and work release type programs, all of which are benefited by proximity to the community from which the prisoner came and to which he may be expected to return."

The unmanageable conditions existing at the Lorton facilities, located many miles from the community home of the vast majority of the inmates, fail to meet the needs of the inmate population. The modern emphasis on reform and correction can only be achieved not by modernization of facilities dating as far back as 1910, but by their discontinuance.

V. HISTORY OF PRISON ESCAPES AND DISTURBANCES

The history of problems at the Lorton Facility is long and well-documented. It is a disturbing scenario of continual escapes and disturbances which directly affect not only the inmate population but the County residents themselves.

For example going back five years, in 1970 there were approximately forty-six escapes. Eleven of these were breaches of the perimeter of the Complex—which means the escapees had to flee through Fairfax County. During that same year, a major disturbance involving over one hundred fifty inmates occurred on May 22–24. It involved not only escapes but also rioting, burning, and destruction of Lorton Complex property. This disturbance required a large presence of County police, fire and rescue services.

In 1971, there were approximately seventy-nine reported escapes from the Complex, of which approximately seven breached the perimeter of the Complex and approximately twenty-four walked away from the Rehabilitation Center for Alcoholics. While those who breach the perimeter present immediate concern to the Police of the County, any escape of a Lorton inmate raises anxiety in the minds of the residents.

In 1972 there were approximately eighty-two escapes from the Complex, including thirty-seven which escaped the physical confines of the prison and posed an immediate threat to the surrounding residents. Several of these were multiple escapes. On February 11 there were four escapes, on August 15 and 16 there were eight escapes, on September 23 there were four escapes, on November 3 there were three escapes, and on November 15 there were three escapes. There were five other days during 1972 when two prisoners escaped from the Complex together. On December 15, 1972, County Police determined that a bank robbery in the County was committed by a November 25th Lorton escapee. Most seriously of all, however, on August 15, 1972, eight inmates escaped. Five of them held a Fairfax County family hostage for several hours before stealing its car and fleeing the area.

In 1973, there were approximately forty-six reported escapes from the perimeter of the Complex. These figures include a January 23rd escape of six prisoners, a February 1st escape of two prisoners, and a December 24th escape of four prisoners. There were approximately eight separate incidents which occurred during this year involving potential danger to local residents and requiring response by the County Police Department.

During 1974, reported escapes included two fleeing the Complex on January 3rd, one escaping on January 17th, two escaping on May 19th, and a rioting and attempted escape at the Youth Center on August 30th. On December 25th, 1974, there was a twenty-four hour prison riot in which three Lorton Complex inmates escaped, one escapee was killed, and during which several individuals were held hostage. A Fairfax County resident, not in the immediate vicinity of

the Lorton complex but living several miles away, was abducted by the escapees and forced to drive them in his automobile to the District of Columbia where he was finally released.

But even this most serious Christmas Day riot and escape did not terminate the problems. In the first half of 1975, disturbances and escapes continue with frequency and repetition. On January 31st, three prisoners escaped from Youth Center No. 1. On February 4th, another prisoner escaped from the same Youth Center. On February 25th, there was a disturbance at the maximum security facility involving approximately thirty-five inmates. In May, there was a hunger strike in which involved about fifty inmates. And on May 15th, three serious incidents occurred. A prisoner escaped from the Youth Center, a prisoner within the Complex was murdered, and there was a fire at a warehouse within the Lorton Complex. Units from four Fairfax County fire stations responded to the fire, resulting in two Fairfax County firemen receiving burn injuries.

This brief chronology of events is important for several reasons. It shows that the problem of escapes and disturbances is not a recent one. It has been on-going for several years. The potential for escapes and the fear among the residents is not new. It also illustrates, however, how very current and immediate the problem is. Within one month of my appearance before you there has been an escape, a prison disturbance, and a fire resulting in injuries to two County firemen. And within six months of my appearance before you, the prison experienced one of the most serious riots that has occurred in any prison complex and in which a County resident was abducted as a direct result of the escapes. If this is not legitimate reason for concern and fear among the residents, than I ask you, what is?

This brief chronology of events also illustrates the continuing need for the County to respond and to be ever alert for whatever role it may have to play in the event of a disturbance or escape. Police search for the escapees and notify individual residents of the area to be on the alert. Also, County Police have the responsibility to investigate criminal offenses which occur in Youth Center No. 1. Since 1972, police have investigated over thirty incidents of allegations of criminal offenses within this Youth Center. Fire and rescue services must stand ready to enter the Complex at the risk of their own safety. Our figures indicate repeated fire and rescue service involvement in the Complex. There were approximately eleven separate occasions in 1972, five occasions in 1973, eight occasions in 1974, and of course the most recent incident this year in which two firemen were injured.

In addition, these unexpected and fairly constant demands on the County police and fire and rescue personnel placed an undeserved burden on County residents who have every right to expect full and complete safety coverage at all times. Every time the fire or police units must respond to an emergency at the Reformatory other units throughout the County must be redeployed so that no sector goes completely unprotected. Because of the large area of Fairfax County, this spreads these remaining units unacceptably thin. It is indeed fortunate that so far there has not been a severe loss of property and life because adequate protection has not been available to the citizens who pay for it and for whom it is designed.

VI. SUPPORT FOR SENATE BILL 1243

We lend our strong support for the Bill, taking into consideration our recommendations for a specific termination date and for disposition of the property with the interests of the public welfare of Virginia uppermost. The urgent need for remedial action with respect to the Lorton Penal Institutions is clear. It is needed for the inmate population of these facilities. It is needed for the residents of Fairfax County. The County of Fairfax, through its legal action, the Commonwealth of Virginia, originally through litigation, and now through its creation of a Commission, have publicly expressed their attitude that there must be a solution to this long-festering problem.

Under federal law all prisoners convicted in the District of Columbia for any offense are committed to the custody of the Attorney General. It is the Attorney General who has the statutory authority for selecting the place of confinement of all such persons. He also has the authority and the discretion to transfer such persons from one institution to another. But the long history

of the operation of the Lorton facilities as a public nuisance clearly shows that the authority presently vested in the Attorney General with respect to custody and placement of prisoners is an insufficient way of dealing with the aggravated conditions which for so long have been allowed to exist at the Lorton institutions.

The solution, and the only solution, is removal of the Lorton Penal Institutions from the County of Fairfax. That the Senate Bill 1243 expresses this very conclusion is indeed a most welcome development.

STATEMENT OF JEAN PACKARD, CHAIRMAN, BOARD OF SUPERVISORS, FAIRFAX COUNTY, VA.

Mrs. PACKARD. Mr. Chairman, members of the subcommittee, I am pleased to be here this morning. I am Jean Packard, chairman of the Fairfax County Board of Supervisors. The time has come to close Lorton penitentiary. It should have come long ago.

As chairman of the Fairfax County Board of Supervisors, I voice to you the deep concern and abiding conviction of Fairfax County's nearly 600,000 citizens that Lorton must be shut down. The people of Fairfax County support legislation now pending which would put an end to Lorton, because the District of Columbia has let us down; has broken its promises to us, and has made its problems Fairfax County's problems.

The operation of the Lorton penal institution within Fairfax County has been and continues to constitute a public nuisance detrimental to the health, safety, and welfare of the residents.

The effect of continual prison escapes and prison disturbances in and on our community denies our citizens their constitutional right to freely travel and associate with their neighbors, to feel secure in their homes, and to a fundamental right of privacy.

It denies them the privilege of sending their children to school without fearing for their children's safety. The operation of these facilities also constitutes a source of continual pollution of the air and water within the county.

In a law suit which we filed in the United States District Court for the Eastern District of Virginia on May 20 of this year, the county is seeking relief in the form of monetary compensation. But the only truly satisfactory solution which will assure these problems will not recur, is to prevent the operation of this facility.

The only way the residents can truly be assured that this nuisance will be abated is by removal of these facilities from the county.

The county, in its pending litigation, seeks to prevent persons being confined at the Lorton complex by no later than December 31, 1980. It also seeks to prevent the expending of any monies or any capital improvements at the facilities which are in any way inconsistent with the cessation of penal operations at the Lorton complex.

The people of Fairfax County get no help from Mayor Washington or the District of Columbia in solving our problems. Why should the citizens of Fairfax County have to solve Mayor Washington's problems and the District of Columbia government's problems? California had its Alcatraz; New York has its Attica; and the District of Columbia has its Lorton. Only Lorton is in Fairfax County.

There is no greater menace in Fairfax County than the Lorton prison complex. That is why, after the broken promises and the

inaction of Mayor Washington and the D.C. government, Fairfax County brought suit against them.

Given the history of riots, escapes, abductions, and robberies which chronicle the past, describe the present and predict the future of the Lorton prison complex, no one can say that the concerns and fears of Fairfax County residents are unfounded. No one, except, perhaps, the D.C. government which has permitted Lorton to become the menace that it now is.

Neither the citizens outside, nor the inmates inside benefit from its continued existence. So, if Mayor Washington and the D.C. government plead with you, as they did with us, for more time or less stringent action than proposed by this bill, I hope you will disregard them. For, as far as Lorton is concerned, their promises seem to be for naught.

I would recommend only two changes in the bill.

First, I think the bill should set a definite, irreversible deadline for the closing of Lorton. The language of the bill does not appear to accomplish that. And, while I would like to see the bill provide for the shutdown of Lorton tomorrow, I realize that it will take some time to find an alternative site for the inmates there.

However, a 1980 date should be specified in the bill as an outer time limit.

I hope the committee will use its considerable influence to get Mayor Washington, the District of Columbia government, and the attorney general to shut down Lorton before that date.

The second change I would recommend is to eliminate the requirement that the Lorton land be sold. This requirement could prevent the State, or Fairfax County, from acquiring the land, or prevent its use by other Federal agencies.

It also sets a dangerous precedent for the disposition of Federal land, which, in the past, has usually been offered to the State or local governments where the land is located for community use.

One of the recommendations made by the Fairfax County Planning Commission concerning this property states—and I quote:

> If the entire property of the District of Columbia Department of Corrections should be declared surplus, its re-use should be planned as a unit. For example, either the State of Virginia, Northern Virgina Regional Park Authority or Fairfax County Park Authority might develop the acreage for multi-facility, regional-serving park use.

If parkland were not feasible, I am certain the Board of Supervisors would not consider any alternative use for this acreage except low-density residential.

I commend the subcommittee for its interest in the Lorton problem. On behalf of the over half a million citizens of Fairfax County, I thank you and I urge you to pass this bill, with the suggested amendments which would assure us that Fairfax County will finally be rid of the Lorton prison complex.

Thank you, gentlemen.

Senator BURDICK. Thank you.

Mrs. Packard, if the District of Columbia prisoners were removed from Lorton and the property acquired either by Fairfax County or the Commonwealth of Virginia, is there any possibility the facility might be used for county or State prisoners?

Mrs. PACKARD. I cannot imagine it would, it is so far removed from our court facilities, Senator, that it would create an almost impossible transportation problem. We are in the process—we have issued a bond referendum and are letting bids for the building construction of a new jail in the immediate vicinity of our courthouse.

Senator BURDICK. Then your answer would be, there is very little possibility?

Mrs. PACKARD. Very little, as far as I know. I cannot speak for the State, but I have not heard any interest expressed on the part of the State for that purpose, either.

Senator BURDICK. Your testimony mentioned different means for disposal of the Lorton property. If the prison facilities were to be closed, how do you propose resolving these different views?

Mrs. PACKARD. As opposed to the sale of the land, at fair market value?

Senator Burdick. Yes.

Mrs. PACKARD. Well, I think that the District of Columbia is already asking Congress for $55 million for the improvement and rehabilitation of facilities.

It seems to me that if it were valid to ask Congress for that kind of money now, it would be equally valid to ask Congress for that kind of money to help them construct new facilities within the District of Columbia, which is where they belong.

I think the Federal Government has a longstanding practice of issuing—of offering surplus land to Federal, State, or local governments, in that order, for their use rather than selling it at a fair market value.

And I feel strongly that that is a practice that has served very well in the past, to provide badly needed open space parklands for State and regional governments, or other Federal agencies.

I feel strongly that this is a practice that should be continued.

Senator BURDICK. Do you think it is possible to build a facility for $55 million?

Mrs. PACKARD. I would think, in rebuilding Lorton, they would have to start almost from scratch and rebuild it. I am certain that a much more humane facility could be built for the same amount, or perhaps several smaller facilities rather than one large complex, for the same amount of money.

Senator BURDICK. I understand Lorton has five sections.

Mrs. PACKARD. I think that is right.

Senator BURDICK. All on Federal land?

Mrs. PACKARD. All on Federal land.

We may also—part of that is an alcoholic rehabilitation center. I do not feel the pressing need for that portion of the complex to be closed down, as far as that goes. That is not a nuisance or a threat to the Fairfax County citizens. And, if that would be helpful to the District of Columbia, I could assure that Fairfax County would be willing to have that portion of the facility remain where it is.

Senator BURDICK. Have you, or your predecessors, had any running conversations with the officials of the District of Columbia about this problem?

Mrs. PACKARD. Yes, sir, we certainly have. I have been serving on the Board for 3 years. I think one of the first meetings after I came

on the Board was with Mayor Washington and his staff, with our committee.

We have an ongoing District of Columbia-Fairfax County Committee. We have been trying to get some of the short-term problems solved, of security, for several years. We have been attempting to get some absolutely necessary security measures brought to fruition on the facility.

There is not a perimeter road, for example, all around the facility. There never has been. There is a portion of the fence that because of the topography—the rolling topography of the land, is totally out of sight of any of the guard towers. It makes it very easy for people to go over the fence without being noticed.

The people of that community asked for a siren so that they could be alerted when there were escapes. It took well over 1½ year(s) to get an operating siren placed on the facility and then that is only of limited use once it does work because there may be hours and hours from the time an escape takes place until the time it is discovered. And, very often, it may be a couple of more hours before somebody remembers to activate the siren.

The security measures were really not agreed upon by the District of Columbia until the attorney general of the State of Virginia brought suit against the District on a security measure. That suit was withdrawn once the District of Columbia agreed to build the perimeter road, some additional fencing, additional lighting, and set up a timetable for it.

So, there has been dialog, as far as I am concerned, we spent 2 years working very hard in the Department of Fairfax County in good faith to attempt to solve some of these problems.

Last fall—last January, after the last prison riots in December when the convicts were killed and one of our Fairfax County citizens was kidnapped and forced to provide transportation, we asked the District to provide a management study for that facility and an economic feasibility study of moving the facility into the District.

We have not even had the courtesy of a reply to those requests, by the District of Columbia.

Senator BURDICK. What I am getting at is suppose the institution is made secure? And, suppose it had the sirens and things you refer to? Would you still have objections?

Mrs. PACKARD. Yes, sir, we would.

Senator BURDICK. Why, if all the things that have happened were prevented in the future, why would you?

Mrs. PACKARD. We have had many promises in the past that it would be made more secure, and all have failed. The District seems, for one reason or another, reluctant even to have a management study of how the complex is managed.

Therefore, I have some doubts that they are really sincere in their desires to change whatever is wrong with the facility at this point. But, most important, all of the penal experts now are saying that community-based penal facilities, are the only way to go, if we are truly talking about rehabilitation of prisoners and not merely warehousing. To move the District of Columbia residents out to what is almost a foreign land to them, in a very rural section of Fairfax County, far away from their homes and their familiar surroundings,

is obviously a psychological barrier for them. But, even more important, for the residents of Fairfax County.

We have had thrust upon us a facility which is a threat. Not a "potential" threat, but "a" threat to our citizens that is controlled by a jurisdiction over which we have absolutely no control. We have nothing to say about how the District of Columbia runs its facilities.

If it were a Federal facility, we would have more control through Senator Scott, through Senator Byrd, through our own Congressmen. We do not even have the indirect control. We have no powers whatsoever to bring to bear on the District of Columbia.

Senator BURDICK. That leads me into the next question.

Suppose that instead of moving Lorton we put Federal control over them?

Mrs. PACKARD. We would find that preferable to what we have now. But, as far as we are concerned, it is a rather sad second. We would prefer to have the facility out.

Senator BURDICK. We have 33 institutions throughout the United States and they are in 33 different locations in States—they are in communities. That is just the way it is.

Mrs. PACKARD. There is no question but that it has to be that way. As I say, that would certainly be preferable to what we have now.

Senator BURDICK. Your testimony mentions broken promises. Can you be more specific? Give us some details.

Mrs. PACKARD. I think such things as the security measures that have been promised for several years that did not, as I say, come into being until suit was brought by the State. The perimeter road—we have been attempting to come to a memorandum of agreement since last fall with the District of Columbia for such a minor thing as payment for the fire and police protection that we provide for that facility. We have never received any payment from the District for the use of our facilities.

We have been attempting to get the District of Columbia to meet the State air pollution and water pollution standards, neither of which has been done. There have been promises to close down a boiler there that has been badly polluting the air. This was finally done, but it took 3 years. They are still not meeting the water quality standards that were imposed upon us by the State of Virginia and by the Federal Government.

Senator SCOTT. Mr. Chairman, might it be helpful to the committee if Mrs. Packard put a copy of the bill of complaint that the county has against the United States and the District of Columbia in detailing some of these problems?

Mrs. PACKARD. We would be delighted to do so. I also have a more complete statement that I would like to enter into the record, Senator, that goes into more detail on these problems.

Senator BURDICK. We will receive this for the file and your complete statement will be filed and made part of this record.

In addition to the prisoners at Lorton, there are two radio towers operated by Federal units, as well as the District of Columbia Alcoholic Treatment Center which you refer to. Have plans been made for their relocation if the land was transferred?

Mrs. PACKARD. As I said before, certainly, I am sure the radio towers offer no problems to the county; and I am speaking solely

for myself on the alcoholic rehabilitation center, but the people I have spoken to who live in that area really have no complaints about the alcoholic rehabilitation center either. They do have complaints about people, maybe, wandering away from the facility, but they do not pose the threat to the community and, therefore, the fear does not surround that facility.

Senator BURDICK. Mr. Scott.

Senator SCOTT. Thank you, Mr. Chairman. Mrs. Packard, I commend you on your statement. I am sure you are representing the great bulk of the people in Fairfax County, Fairfax County's point of view on this facility. You do indicate in your statement and in the suit that has been filed, you are attempting to prevent improvements at Lorton, but you would say these improvements are needed if the facility is to remain there?

Mrs. PACKARD. Yes, sir, we are not saying there should be no improvements at all because, as Mr. Delbert Jackson has termed this quite rightly, this institution is a monstrosity; therefore, we are not saying no improvements whatsoever; but what we are concerned about is that we do not want to see the permanent types of improvement that would make it more and more difficult to remove the facility at the end of the time limit that is spoken to in the suit.

Senator SCOTT. As I understand it, the thrust of your testimony is that you would want a facility operated by the District of Columbia not to be located in Fairfax County, to be located within the District of Columbia?

Mrs. PACKARD. Yes, sir, that is right.

Senator SCOTT. You mentioned in your testimony that a date certain should be set for the removal. What would we do with the prisoners if new facilities had not been constructed by that time? Would that not pose a problem? I am just as anxious to get them out as you are, but I am a little hesitant to suggest that we amend the bill to put a date certain because it might cause some problems. I would just like to hear your reaction to this.

Mrs. PACKARD. I think it could pose a problem, Senator Scott, but I think the greater problem is posed by not having any deadline at all, because with an open ended bill it is very easy to keep putting off the decision of even beginning to look for land and construction of the facility. It would seem to me that, with the good wishes of Congress, if the District had acquired land in one location for example, and had the facilities under construction; that Congress would certainly, as evidence of good faith, be willing to extend the deadline. I am certain, under those circumstances, that would also be agreeable to Fairfax County. We just want to make sure that their feet are held to the fire and that action is begun.

Senator SCOTT. Mrs. Packard, I would agree with you on this, and we have attempted to do that by providing an incentive to them so that they would build a complex, permitting the use of funds that have been appropriated by the Congress for new construction at Lorton to be utilized in building a new facility within the District, and then provided that they would get the proceeds from the sale of the land.

Let me add that even though the legal title is in the United States, equitable title is in the District of Columbia. This land has

been purchased from funds of the District of Columbia, and what we are attempting to do is to be fair, both to Fairfax County in its strong desire and I, in turn, as a resident of Fairfax County, would like to see the facility removed, and, as you may not, did introduce legislation which passed the House of Representatives to transfer control to the U.S. Bureau of Prisons. But, I am just wondering if it might not be a little harsh to the District to say, move your facility but we will take your land. Might that not be harsh? Would that be fair to the District? I know we are both from Fairfax, and we represent Virginia, or a political subdivision of it.

Mrs. PACKARD. I am thinking back to the Hybla Valley park and that belonged to the Navy and the Coast Guard, which probably was bought out of their funds originally, but was declared surplus by the Federal Government and was turned over to Fairfax County for parkland, and it would seem to me that this would fall under the same category.

There are several different concurrent jurisidictions over that land at Lorton, which, of course, complicates the matter as far as we are concerned in liability, fire, and police protection, so I am not conversant enough with the details of which land was purchased out of which pocket and this sort of thing.

Senator SCOTT. Mrs. Packard, again, I appreciate your testimony and your support of this measure. I think there are some details that the committee will have to study before taking action on the measure, but, again, the thrust of your testimony is to put it into the District of Columbia.

Mrs. PACKARD. Yes, sir, we want Lorton out. We would like it out now, but we think it belongs in the District.

Senator SCOTT. Thank you, Mr. Chairman.

Senator BURDICK. I have a slight suspicion that you want Lorton out regardless of its condition. Am I right?

Mrs. PACKARD. It would certainly be preferable, yes, sir.

Senator BURDICK. If it is a first-class building with security being handled by the Federal Government, you still want it out there?

Mrs. PACKARD. I think, basically, certainly the people who live in the Lorton community would, but anything would be better than what they have now.

Senator SCOTT. Mr. Chairman, might I support the statement that it is just a sort of a foreign substance within the State of Virginia, within Fairfax County.

Senator BURDICK. I got that flavor.

Mrs. PACKARD. In oysters, a foreign substance makes pearls, but I do not think one can make that statement about Lorton.

Senator BURDICK. My background summary says Lorton is composed of five prison facilities located on a tract of about 3,500 acres.

Mrs. PACKARD. Part of that 3,500 acres, Senator Burdick, is also used as a regional sanitary landfill that is utilized by the District of Columbia, Fairfax County, Arlington, and Alexandria, controlled by the District. It is true we are not talking about the sale of that property; that has already been contracted for with the memorandum of agreement, so that when that sanitary landfill is completed, it will revert to the Northern Virginia Regional Park Authority for

a park facility. I have forgotten, frankly, what the size of that landfill is, but we are not talking about the whole 3,500 acres.

Senator BURDICK. What I am getting at is, if we have to have half of that for a prison to be answered for by the District of Columbia, or officials or a committee, or somebody. Is there land available like that in the District of Columbia, an acreage of that size?

Mrs. PACKARD. There may not be. This is one of the reasons we may be speaking of several facilities within the District. Also, the question is that that land was bought in the early 1900's, and the question is, do you need anywhere near that much acreage?

Senator BURDICK. My question was half of that, is there that much available?

Mrs. PACKARD. I would question even whether they would need half of that; 1,300 acres or 1,800 acres is an awful lot of land.

Senator BURDICK. We will develop that from other witnesses. Thank you very much.

Senator SCOTT. Mrs. Packard, before you leave, this radio tower that was mentioned by the Chairman, is that located in Fairfax County or is that over in Prince William County? Frankly, I do not know. I do not think I have ever seen a radio tower.

Mrs. PACKARD. Frankly, I do not know either, Senator Scott. I am not sure. There is a tower over in Prince William.

Senator SCOTT. There is one in Prince William County.

Mrs. PACKARD. Thank you, sir.

Senator BURDICK. Thank you. Our next witness will be John Herrity, Supervisor, Springfield District, Board of Supervisors, Fairfax County. Welcome to the committee, Mr. Herrity.

STATEMENT OF JOHN HERRITY, SUPERVISOR, SPRINGFIELD DISTRICT, BOARD OF SUPERVISORS, FAIRFAX COUNTY, VA.

Mr. HERRITY. My name is Jack Herrity. I am a member of the Fairfax County Board of Supervisors and I represent the Springfield District wherein the District of Columbia Department of Corrections prison facility at Lorton, and I might add parenthetically, the citizens of Lorton do not like to refer to this facility as Lorton but as the District of Columbia Department of Corrections Complex at Lorton, is located. I am here to speak in behalf of the transfer of the prison from the Lorton-Occoquan area of Fairfax County to a site within the District of Columbia.

The citizens that I represent in this area are deeply concerned about the continuance in Fairfax County of the Lorton Complex, the only non-Federal prison in the United States located outside the boundaries of the jurisdiction which operates it. They are concerned because none of their elected officials, from the County Board of Supervisors to the office of the Governor of the Commonwealth, has any control over what goes on at the prison.

They are concerned because they have lost faith in the agreements made in the past between Fairfax County and the District of Columbia to make their community a safer and healthier place to live—they have lost faith because the agreements have not been car-

ried out. Public policy might not be changed if it only impacted on these citizens who live near the prison, but I have received telephone calls and letters from citizens including guards and former prisoners from all over the Northern Virginia area, from the Rappahannock to the Potomac, urging that the Board of Supervisors actively pursue the removal and transfer of the Lorton Prison Complex to the District of Columbia. It is not surprising that there are so many concerned citizens, for there is much to be concerned about.

I would like to talk this morning about the reasons why our citizens want to have the Lorton Prison Complex relocated. First of all, the many escapes and the frequent and serious disturbances, including riots, stand out as the most compelling reasons for wanting the transfer. A look at the figures will tell you why.

In 1970, there were approximately 46 reported escapes, including 11 of which breeched the perimeter of the complex, 10 of which escaped while on furlough, 19 while on furlough to the Rehabilitation Center for Alcoholics, 2 while on escort with correctional officers to or from the complex, 1 from a work detail in the District of Columbia and 3 attempts which were unsuccessful. A major disturbance occurred on May 22–24, 1970, at the complex involving not only escapes but also rioting, burning, and destruction of approximately one-half million dollars worth of prison property.

In 1971, there were 79 reported escapes, seven of which breeched the perimeter of the complex, 18 while on furlough, 14 while in the custody of a correctional officer outside the complex, 24 who walked away from the Rehabilitation Center for Alcoholics, 6 who failed to return from college classes, 2 who escaped while on work details in the District of Columbia, and eight attempts which were unsuccessful.

In 1972, there were approximately 82 reported escapes, including 37 of which escaped the physical confines of the prison complex, 14 who escaped while on furlough, 27 who escaped while in the custody of a correctional officer outside the complex, and four attempts which were unsuccessful. Several of these were multiple escapes. During one escape on August 15, 1972 eight inmates escaped and five of them held a Fairfax County family hostage for 7 hours before stealing their car and fleeing the area.

In 1973, there were approximately 46 reported escapes including a January 23 escape of six prisoners, a February 1 escape of two prisoners, and a December 24 escape of four prisoners.

In 1974, reported escapes included two inmates escaping from the complex on January 3, one escaping on January 17, two escaping on May 19, and a rioting and attempted escape at the Youth Center on August 30. On December 25, 1974 there was a 24-hour prison riot in which three inmates escaped, one of whom was killed, and during which several individuals were held hostage, and a Fairfax County resident was kidnapped.

In January of 1975, three prisoners escaped, one of whom was awaiting trial for murder and two for robbery and assault. In February approximately 30 inmates participated in prison disturbances. In May approximately 50 inmates participated in a hunger strike, on the grounds that District of Columbia Corrections had

allegedly failed to abide by the terms of an agreement which was reached in settlement of the December 1974 disturbances. In addition, a prisoner was reported escaped from Youth Center No. 1.

I would like to point out that these figures reflect the involvement of the Fairfax County Police Department with incidents of prisoner escapes insofar as they have been notified and do not necessarily include all of the escapes that occurred while inmates were on furlough or work release outside of Fairfax County. For example, these figures, which total up to 256 for a 5½ year period are fewer in number than those given in the 1974 GAO report which found that for a period of 3 years up to June 30, 1973, there were 380 inmate escapes, and that 64 more escaped during the 6 months ended December 31, 1973. What accounts for the striking difference? According to the GAO report, there are two reasons why the Department of Corrections management did not have sufficient, reliable, and timely information to assist in preventing escapes and in promptly notifying authorities when escapes occurred [if they notified them at all]:

> One: The reported number of escapes and the identity of institutions from which they occurred were inaccurate; and two, not all escapes were investigated to determine how they occurred.

To elaborate, for fiscal year 1973, the GAO report shows that 80 inmates escaped—on 51 different occasions—from Lorton institutions or from custody while on escorted trips. Twenty were perimeter escapes and 31 were escorted trip escapes. Although the Department of Corrections' instructions require perimeter and escort trip escapes to be investigated and a report made which must include details of the escapes, whether any employee was negligent and recommendations for preventing future escapes, the truth is that very few reports or investigations are made, and of the 51 occasions of escapes mentioned above, investigations and reports numbered only eight. Of the 20 perimeter escapes, the administration could only furnish investigation reports for six.

Moreover, the administration at Lorton told GAO that investigative reports are generally not made of escapes from minimum security because the prisoners simply "walk away" since the facility is not surrounded by a fence. In addition, the Assistant Director for Operations said that investigations of escapes from escorted trips are made only when there is reason to believe that the escorting officer may have been negligent or there was a clear violation of Department policy, such as unauthorized deviations from trip plans. In 1973 only two of the 31 escapes from escorted trips were investigated.

The GAO report explains further that the two devices which Lorton officials used for recording escapes—statistics from the individual institutions prepared for the Chief Security Officer and printouts from its automatic data processing (ADP) system—were not accurate. GAO expended considerable time in adjusting the available escape data to arrive at the actual number of escapes during fiscal years 1971–73 which they determined was probably 380. Escapes information prepared by the Lorton institution showed 363 inmates escaped; and ADP lists 387 escapes.

For this same period, Fairfax County shows 227. Although GAO was advised that the ADP data is the social departmental statistic, an official in the office of the Assistant Director for Operations said that ADP data is not used because it contained errors and the office relies on escape statistics prepared by the Lorton institutions. GAO noted that the escape statistics prepared by the Lorton institutions were also inaccurate, and that the institutions did not include all escapes, and that there was conflicting data as to the facility from which the escapes occurred.

The GAO report recommended that all escapes should be investigated and reports prepared; that procedures in accounting for and reporting all escapes should be improved; and that all institutions should uniformly record all incidents of inmates returning late from furlough. The GAO report further recommended that all institutions at Lorton investigate all escapes and report results with recommendations to top management; and that they uniformly and promptly report as escapees all inmates returning late from leaves in excess of a fixed time interval and such escapes should be accurately shown in Department statistics.

At this time, Senators, I do not know whether these recommendations have been implemented. If past performance is any indication, I would think that they probably have not. My purpose in mentioning all of this, in addition to focusing on the high number of escapes, has been to point to one of the overriding problems at the Lorton complex, and that is the incredibly shocking mismanagement by the administration, which has been clearly documented again in a congressional committee report in 1970 as well as in the GAO report I have referred to herein.

The evidence in these documents persuades me that the problems at Lorton are more than security problems and will not be solved simply by building higher fences and adding more lights. Lorton officials have consistently failed to demonstrate, in my opinion, the ability or willingness to fulfill their statutory and constitutional duties to properly maintain and operate the Lorton complex or to provide for proper safekeeping, care, protection, instruction or discipline of the inmate population. Their failure to fulfill these duties constitutes a continuing present and immediate danger to the health, safety, and welfare of the citizens of Fairfax County, in particular to those citizens who reside in the vicinity of the Lorton complex who have suffered extreme fright and severe mental anguish, who have been unreasonably required to provide additional security to attempt to protect their homes and families, who have been unreasonably required to keep their children indoors during the many actual or suspected prisoner escapes.

Senators, in my opinion, the right of the District of Columbia to own, maintain, and operate a prison does not include within it the right to do so in a manner which constitutes a continuing threat and public nuisance to the inhabitants of the area or to do so in a manner which denies those inhabitants the rights guaranteed them by the U.S. Constitution.

The facts are, sadly, that citizens of Fairfax County are being deprived of their constitutional rights: their freedom to associate

has been severely curtailed; their freedom to travel has been severely restricted; their right to remain secure in and enjoy the possession and benefits of their homes has been abridged; their right to be free in their homes from unreasonable searches has been frequently violated.

As if all of this were not enough, the District of Columbia Department of Corrections adds insult to injury by continuing to operate the Lorton complex in violation of Federal, State and local common law and statutory duty to avoid, reduce, safeguard against and cease pollution of the waters, streams and air in Fairfax County. Their water treatment and wastewater treatment plants, the coal dust runoff from their coalfired boilers and gases from other matters emitted from the operation of the facilities at the complex have polluted and continue to pollute the waters, streams and air of or in Fairfax County. Such pollution, of course, has been and continues to be dangerous to the health, safety, and welfare of the inhabitants of Fairfax County.

A local television station said not long ago that Lorton complex was an economic asset to Fairfax County. Far be it from that. Neither the county nor the Commonwealth of Virginia realizes one penny of revenue from the prison. As a matter of fact, part of our tax money goes to pay for the police, fire and rescue services that the Lorton complex has received for more than 20 years, services which to date have not been compensated by the District of Columbia.

And, of course, while our firemen and policemen are occupied handling problems at Lorton, they are taken away from their primary responsibilities in the county itself. To compound the problem, our policemen and firemen have been forced to operate in unsafe, conditions without adequate support systems and in buildings and structures which do not meet Federal, State or local standards of safety.

All of these reasons, and I might add there are others that I have not addressed in this statement, such as the problem of contraband, the widespread use of narcotics, the lack of safety for inmates from other inmates, et cetera, have convinced me that the solution that will best serve all of the respective parties is to relocate the Lorton prison complex in the District of Columbia.

I therefore endorse the intent of Senator Scott's bill and sincerely pray that it will find favor in this committee and later in the full Senate. If I may digress for just a minute, here at the end of my remarks, I would like to mention that there have been suggestions for the use of the land should the prison complex be relocated, one of which is to turn the property into a national cemetery. I understand the Veterans' Administration is looking for five such sites, and I would hope that this suggestion might be fully considered before a final determination is made. Another suggestion I have received is that the property be converted into State parkland. Both ideas are commendable, in my opinion, and would find support among the citizens of Fairfax County.

In closing, I would like to say that I appreciate very much the opportunity to testify before this subcommittee, and that if I can be of any additional help, I am ready and willing to be of service. Thank you.

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Senator BURDICK. Thank you, Mr. Herrity. In your statement you state that the Lorton complex is polluting the water and air in Fairfax County. Could you give us more specific information in this regard?

Mr. HERRITY. Well, I wish I had the memorandum I received from the Virginia State Water Control Board, which basically indicates that when there is a serious rain situation, the interconnection of the sanitary facilities and the storm drains create a complete overflow. In Giles Run there, untreated effluent floats past people's homes. Obviously, this situation does not meet State Water Control Board standards.

The Lorton prison is under order by the Air Pollution Control Board of the Commonwealth of Virginia to clean up the emission from their smokestacks. As a matter of fact, I recall that their deadline for compliance is this month. If you take a trip to the complex, Senator, I believe you would see black smoke billowing from their gigantic smokestacks, and this occurs on a regular basis.

Incidents such as these form the basis for my statements. I can furnish the committee with documentation in more detail if it so desires.

Senator BURDICK. In your testimony, you mention the possibility of Lorton becoming a national cemetery operated by the Veterans' Administration. Do you know the evaluation VA may have made as to its suitability as a site?

Mr. HERRITY. I have been in contact with a colleague of mine—this is a third-party source—who indicates that the ground would be suitable, that the Veterans' Administration would be interested in it.

The Fairfax County Board of Supervisors yesterday approved a resolution instructing our staff to begin negotiations on discussions with the District of Columbia, the Congress, and the VA to consider this proposal. I do not think there are enough facts right now to say definitely one way or the other whether it would be feasible.

Certainly, from an aesthetic standpoint, it is some of the most beautiful rolling land in a very beautiful Commonwealth of Virginia.

Senator BURDICK. Much of your statement has to deal with prisoner management practices at the Lorton prison faciliites. How would these be changed by the construction of new prisons?

Mr. HERRITY. Well, Senator, I think the answer lies in home rule. The District of Columbia presently feels more secure with home rule. The citizens of Lorton and Fairfax County do not enjoy that sense of security with respect to Lorton Prison as they have no control over its operations. Our elected officials understandably have a strong desire to see an institution that is basically governed unto itself be responsible to the people in the area that it is operating. I really feel that changes in prison management practices at Lorton would occur if the prison were transferred to the District of Columbia because I do not think the citizens of the District of Columbia would stand for the kinds of problems we have had to put up with from the District of Columbia officials. The electoral process, the democratic process, whereby elected officials are accountable to the people they represent, is the safeguard, and this is why I plea for home rule for our citizens.

Senator BURDICK. As you know, the Federal Bureau of Prisons operates about 32 or 33 facilities throughout the United States, all in other States. This is hypothetical but what if the Bureau of Prisons took jurisdictions over Lorton and made it secure and safe, securitywise, every other wise, what would be your reaction?

Mr. HERRITY. I would not be here talking about home rule. I would—that would be a second order of priority from my standpoint.

Senator BURDICK. Technically these people are Federal prisoners.

Mr. HERRITY. I understand they are under indirect control of the Department of Justice. I fully appreciate that, but I do not think that the Department of Justice, unless they were to take complete control, would be my idea of direct political control be satisfied through your Congressman, because we have never been able to talk to the Department of Justice about the operation of the facility. We really have talked to Mayor Washington.

Senator BURDICK. I am giving it to you as a hypothetical question.

Mr. HERRITY. Hypothetical in order of priority, we want the complex removed. If that is not sucessfully brought about, then turning it over to the Bureau of Prisons would be certainly a second-line position, which I would support if the former is not practical. I might suggest there are two parties involved in this from the standpoint of two local jurisdictions, D.C. and Fairfax County, and that is not the first-line position of either one. The District of Columbia, as I understand it, would rather vigorously oppose that.

Senator BURDICK. I am sure they would be hurt down the line someplace.

Mr. HERRITY. But I do not think either jurisdiction would like that solution particularly, whereas I think Fairfax County would be quite happy if Senator Scott's bill would pass in some form to remove the facility, and the District of Columbia, in the long run, probably will not have to do, but they will not realize it right away.

Senator BURDICK. Senator Scott has been with this problem for many years. It is new to me.

Mr. HERRITY. Senator Scott is a veteran of this. I came into this about 3½ years ago when I was elected to this position. I did receive some tutoring at his knee, so-to-speak, on this particular problem.

Senator BURDICK. Your statement refers to agreements that have been made between Fairfax County and the District of Columbia, which have not been honored. Can you give the subcommittee details to the agreements involving security of the institution?

Mr. HERRITY. Mrs. Packard was talking about some of these things. Inasmuch as I was the chief negotiator at some of the sessions we had with Mayor Washington, I guess the classic example is the siren. I guess back in 1972, the latter part of 1972, we had this big meeting in Mayor Washington's office with everyone. They promised to do a number of things at that time, including living a good life, and that type of thing, but among them, the specific one was the siren, to put a siren up so the folks could be warned.

Senator SCOTT. Mr. Chairman, might I interject? Was not there a siren there over the years back in history to blow the whistle when an inmate escaped?

Mr. Herrity. That is correct. So, I thought that maybe, it would take them 5 or 6 months to get the thing up after this agreement in public. So, a year later, I kept asking the question, where is the siren. So, we went back for another meeting. Among other questions, of course we had numerous, many, many questions other than sirens, they said, well, we are going to get it there, so they finally got the thing up after a year and a half. It took about 6 months from that date. Then, the blasted thing did not work. It did not work from the standpoint that nobody could hear it. They said, well, this is only the short-term solution. The long term is to put a lot of them around in the various areas so they can sound off in different directions. I said why did you not do that in the first place, a year and a half ago. Why wait a year and a half and then put up this half-baked non-siren, and they said, well, we are working on it. I think they are still working on it.

That is an example. You take the—there are many, many people in the local community that could speak in much greater detail of broken promises, specific breaches of security, and that type of thing, but other broken promises, frankly, were in the area of—were more general than that, like maintaining security. The idea of contacting Fairfax immediately—that has been one of our biggest hangups. The Fairfax County Police Department, which, incidentally, on some occasions has drained a third of its manpower out of the county to take care of this problem. We are supposed to be notified like that [Indicating]. I recall—and this is one of the agreements we had with the mayor—one instance where we had, well, the County Police always call me as soon as they are notified, as a matter of fact, so I got a notification about a year and a half ago. I said, where did the Police Department receive this notification. They said they got it at the Gulf Station. Nobody in the prison had called in to the Communications Center, notified them there was an escape. That was the first notification that Fairfax County had an escape was a Gulf Gas Station dealer about a mile from the complex notified a trooper. The County Policeman, who happened to be in the area, stopped by to chat or something, who notified the County Communications System.

Senator Burdick. You have stated the history of escapes over a number of years in your statement. Can you tell me if the citizenry has been attacked, bothered in any way, or affected by this? Have there been any robberies, assaults, directly connected with these escapes in that area?

Mr. Herrity. Absolutely. A family was held hostage back about a year and a half ago. Also about the same time we had a policeman killed in a bank robbery by a Lorton escapee. We have had, as a matter of fact, if you go into this community, they all have big German Shepherds. They all have burglar alarm systems; they all have fences, and they are all uptight about the situation. You go down into the school, which is about a mile or so from the facility, you will find that the school children are quite wary of—at least the parents are quite wary of—how the school children get home from school.

If you go into the community and talk to the people, there are extra precautions, expensive precautions, taken with burglar alarms,

big dogs, and that whole type of situation, because the escapees normally go down a path right past this community, following the railroad tracks. So, the impact is serious. It is only really to my knowlege, one family is the only one I know of that has been physically harmed directly.

Senator BURDICK. Were they harmed?

Mr. HERRITY. Yes, mentally, the wife is still not—physically they were not harmed, but, mentally, the wife is still in bad shape. That is the Bradshaw family, whom I know very well.

Senator BURDICK. I do not want to minimize your fears, but I assume—let us assume the institution is in the District of Columbia. A fellow breaks out, he knows his way across those bridges to find that bank.

Mr. HERRITY. We have a history around here—the shortest distance between here and the District of Columbia is along those tracks, up 95. That is where they go, so my theory is, based on the homing instinct that we have seen in the pattern of escapes, that have occurred in this—and thank God, that there is some homing instinct here, otherwise we would be in damn bad shape—is that if they escape, they probably will stay right there.

I would not asume they would lose this homing instinct if they were located in the District of Columbia, so I do not think that would neccessarily apply, Senator.

Senator BURDICK. We have crime in the country.

Mr. HERRITY. We certainly do; crime in Fairfax County is up 18 percent.

Senator BURDICK. Thank you very much for your testimony. Senator Scott.

Senator SCOTT. Mr. Herrity, I would also commend you on your statements as representing the views of the people of Fairfax County, of Northern Virginia. I have talked also with citizens of the Lorton community when I served in the House. They came to me; the correctional officers could reinforce the statement you made about the concern of people from the area.

Now, you mentioned putting a Federal cemetery on this property. I do know that the National Cemetery Commission is seeking a site, a possible site, in Northern Virginia, with Arlington Cemetery having very limited space. I think this is a good thought that you have suggested. Now, how far have you gone with this? I understand that a resolution was passed by the Board of Supervisors yesterday on this?

Mr. HERRITY. Right, Senator. Let me first of all—I do not want to take credit for the idea. One of my colleagues—I am sure you know Mr. Bob Murrin, who is running for State Senate—this idea was what he first came up with. I brought it to the attention yesterday. He has done more investigation with the Veterans Administration than I have, but I brought it to the attention of the Board of Supervisors, and, unanimously, the Board of Supervisors yesterday endorsed the idea of pursuing this matter, to consider this matter, I should say, from a factual standpoint, the county staff entering into discussions with the Veterans Administration, with, perhaps, the Congress and the District of Columbia to determine A, is it desirable; B, its feasibility versus its desirability. That is the investigative

process from the county's standpoint, and at the end of that, presumably, the county will take a position on whether it would like this disposition or not. I do not know what that disposition will be.

Senator SCOTT. Do you have any knowledge of the soil in this area? Would it be suitable for a cemetery?

Mr. HERRITY. From talking to Mr. Murrin, as I say this is a third party, he has talked to the VA; there are indications, he has gotten indications from the VA that the soil there is suitable for this type of use.

Senator SCOTT. Do you think they have already taken test borings?

Mr. HERRITY. That is what he says. Of course, you and I both know the beauty of the place.

Senator SCOTT. Now, the State commission—you are a member of a State commission?

Mr. HERRITY. Yes.

Senator SCOTT. This was something that was enacted this year by the general assembly. Who was the chairman of that?

Mr. HERRITY. Senator Omer Hirst. He introduced the resolution. I believe it was a joint resolution.

Senator SCOTT. Without objection, I will insert a copy of that resolution that was enacted by the Virginia State Legislature in the record.

[The material referred to follows:]

SENATE JOINT RESOLUTION No. 103

(Offered January 14, 1975)

Creating the Commission On The Acquisition Of The Lorton Reformatory Facility

Patrons—Messrs. Hirst, Gartlan, Waddell, Duval, Brualt and Smith

Whereas, the federal government many years ago established for the District of Columbia a penal institution at Lorton in Fairfax County, Virginia; and

Whereas. at that time the District of Columbia was governed by the Congress and by Commissioners appointed by the President; and

Whereas, at the time this penal institution was established, the provision of wholesome outdoor work as a part of the correctional program was highly regarded and to this end extensive farming operations were carried out on the Lorton Reformatory grounds; and

Whereas, today the District of Columbia enjoys Home Rule with an elected Council and Mayor; and

Whereas, conditions now existing at this penal institution are most unsatisfactory both to the government of the District of Columbia and to neighboring Fairfax County; and

Whereas, modern correctional practices place much commission rehabilitation through training in lines of work in which jobs now exist; and

Whereas, the support of the prisoner's family in the rehabilitation process through easily available visitation and through various intermediate and work release type programs, all of which are benefited by proximity to the community from which the prisoner came and to which he may be expected to return; and

Whereas, costly and extensive improvements to the facilities at Lorton are contemplated by the government of the District of Columbia; and

Whereas, the problems created by escaping prisoners, rioting prisoners and other difficult situations at Lorton cause much concern and anguish to the people of Fairfax County; and

Whereas, the tract of land which this facility occupies might well be used advantageously by various governmental agencies and subdivisions of the Commonwealth of Virginia; and

Whereas, the acquisition of the entire Lorton facility by the Commonwealth of Virginia or an appropriate agency or subdivision thereof may well be in the

public interest both of the Commonwealth of Virginia and of the District of Columbia; and

Whereas, such possibilities justify serious study as to how such acquisition might be accomplished; now, therefore, be it

Resolved, by the Senate, the House of Delegates concurring, That there is hereby created the Commission On The Acquisition Of The Lorton Reformatory Facility, composed of *eleven persons to be appointed as follows: two from the Senate of Virginia elected by the Senate Committee on Privileges and Elections: three thirteen persons to be appointed as follows: two from the Senate of Virginia elected by the Senate Committee on Privileges and Elections; five* from the House of Delegates appointed by the Speaker thereof; the Chairman of the Board of County Supervisors of Fairfax County; five citizens of the Commonwealth at large appointed by the Governor. The Governor shall designate the Chairman of the Commission. The Governor shall serve as an ex office member.

The Commission shall proceed forthwith to determine whether acquisition of the such facility and all of it appurtenances will serve the best interest of the Commonwealth of Virginia and of its various agencies and subdivisions and how such acquisition might be accomplished and financed if any costs are involved.

The Governor of Virginia is hereby authorized to negotiate with the government of the District of Columbia and the federal government to aid the Commission in accomplishing its purpose.

All agencies of the Commonwealth are hereby directed to cooperate with and assist the Commission in its work.

Members of the Commission shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties, for which there is hereby allocated from the general appropriation to the General Assembly the sum of three thousand dollars.

The Commission shall report to the Governor and General Assembly no later than November one, nineteen hundred seventy-five and shall make such interim reports as it deems proper.

Mr. HERRITY. Incidentally, Senator, speaking of that commission, I do also intend to interject the cemetery idea to that commission. I think that would be an appropriate——

Senator SCOTT. That is a commission on the acquisition of the Lorton Reformatory facilities, on the acquisition.

Mr. HERRITY. That is correct. Obviously, I think we have to explore all possibilities. I think, again, that commission will have to deal with the question of whether this would be the most viable use of this thing would be a national cemetery.

Senator SCOTT. Mr. Herrity, I do not have any further questions. I think we understand your point of view. You and Mrs. Packard both speak on behalf of Fairfax County, I assume, insofar as your desire to have the facility transferred from Fairfax into the District of Columbia. You are entirely in agreement with one another.

Mr. HERRITY. Recent history there have been a number of converts to that cause. I certainly welcome that. I think there was a unanimous feeling by the board of supervisors, dating back about 4 or 5 months ago, to accomplish that fact.

Senator SCOTT. And your second alternative would be to have the facility operated by the Bureau of Prisons?

Mr. HERRITY. Absolutely. I think this would be much preferable.

Senator SCOTT. Thank you very much.

Mr. HERRITY. Thank you for your time.

July 10, 1975.

Senator BURDICK. The committee will be in recess until Thursday,

[Whereupon, at 11:30 a.m., the subcommittee adjourned, to reconvene Thursday, July 10, 1975.]

TRANSFER OF LORTON REFORMATORY TO THE DISTRICT OF COLUMBIA

THURSDAY, JULY 10, 1975

U.S. SENATE,
SUBCOMMITTEE ON NATIONAL PENITENTIARIES,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m. in room 2228 Dirksen Senate Office Building, Senator Quentin N. Burdick, presiding.

Present: Senators Burdick, Scott of Virginia.

Also present; James G. Meeker, staff director; Christopher Erlewine, deputy counsel; Richard Kait, minority counsel; Judith E. Snopek, chief clerk.

Senator BURDICK. Our first witness will be Hon. Milton Young, my colleague from North Dakota.

Senator YOUNG. Thank you, Mr. Chairman.

Mr. Chairman and members of the committee, I sincerely hope that no action will be taken by your committee to use the present U.S. Soldiers Home in Washington, D.C., for any purpose other than as a home for retired servicemen.

This land was purchased for this purpose in 1851. It has continued as a home for its members ever since. The home, as you know, is entirely self-supporting by using funds contributed by it's members and the interest on the sizable trust fund which has been built up over the many years by members' payments. It is a well-run home for men and women who have spent most of their lives in the service.

As the committee knows, a sizable portion of the area once owned by the U.S. Soldiers Home was taken over by Veterans Hospital and the Washington Hospital Center. There is little land left which would be suitable for the purpose of a facility such as Lorton Reformatory.

The golf course represents most of the open land remaining, but most of this land lies above a large water reservoir owned by the District of Columbia. This portion of the U.S. Soldiers Home grounds certainly would not be suitable for reformatory purposes.

Presently there are some 2,600 members living at the soldiers home. If it were to be used for any purpose other than the present one, some serious problems would be involved. There is a well-kept cemetery, for example, with 13,295 soldiers buried there. I understand there are only 233 sites for graves remaining before it will be completely filled.

The land on which the soldiers home is located would be unsatisfactory for other reasons. For example, it is surrounded on the one side by Catholic University and all of its facilities. To the south it is completely surrounded by two very large hospitals—the Veterans Hospital and the Washington Hospital Center.

Mr. Chairman and members of the committee, I cannot help but feel that it would be a very serious mistake for the Congress to take over this land and facilities so long held and used by the U.S. Soldiers Home and turn it over for any other purpose, especially as a new location for Lorton Reformatory.

Senator BURDICK. Thank you, Senator.

As I understand, in some of the preliminary suggestions only, that there is a 40-acre piece of property owned by the soldiers home that is vacant that could be used for this purpose.

As I understand your testimony this morning, you would like none of the soldiers home property used by the Lorton Reformatory.

Senator YOUNG. That's right. The only alternative for burying soldiers in the future would be Arlington Cemetery. The soldiers home, I think, would tend to grow rather than diminish in size. There, now, I believe are some 100 women veterans buried there. This is something new. Only 5 years ago there were none. There are bound to be more people, not less.

Senator BURDICK. And you want to keep the soldiers home property just for the soldiers home.

Senator YOUNG. I would like to see it kept intact.

Senator SCOTT. Let me assure my distinguished colleague that, as the sponsor of the bill, and also as a member of our Senate Committee on Veterans' Affairs, we don't intend to do anything to hurt the veteran.

Mr. Chairman, I appreciate our colleague's testimony.

Senator BURDICK. Thank you.

Senator YOUNG. Thank you, Mr. Chairman.

Senator BURDICK. Our next witness this morning will be the City Administrator from the District of Columbia, Mr. Julian Dugas.

Mr. DUGAS. Thank you, sir.

Mr. Chairman, members of the committee, I am pleased to appear here today to bring to the committee the views of the District Government on 1243.

Sir, if I may, as a preliminary matter, I would request that my statement be made a part of the record.

Senator BURDICK. Without objection, so ordered.

[Statement of Mr. Julian Dugas follows:]

STATEMENT OF JULIAN R. DUGAS, CITY ADMINISTRATOR, GOVERNOR OF THE DISTRICT OF COLUMBIA

Mr. Chairman and members of the committee, I am pleased to appear here today to bring to the committee the views of the District Government on S. 1243, a bill which would vitally affect the future status and location of the several penal and correctional institutions comprising the Lorton, Virginia, prison complex.

S. 1243 provides that if by January 1, 1978, there is not available within the boundaries of the District of Columbia suitable penal and correctional facilities to which the inmates now confined in the Lorton institutions may be transferred, the Attorney General of the United States may select a site in the

District and cause to be erected thereon suitable facilities for the imprisonment of such inmates. Failing such construction, the bill provides alternatively that the Attorney General will cause such prisoners to be confined in the various Federal penal institutions under the Bureau of Prisons. The bill further directs the Attorney General, as soon as practicable after January 1, 1978, to dispose of all lands, buildings, and facilities at the Lorton complex and to use the proceeds therefrom either to reimburse the District of Columbia for the penal facilities presumably to be erected by the District Government or made available to the Attorney General for carrying out his functions of providing suitable facilities. Finally, S. 1243 would make available for the establishment of prison facilities within the District all of the unexpended moneys appropriated to the District of Columbia, in the approximate amount of $55.4 million, for renovation and improvements at the Lorton complex.

The District of Columbia is strongly opposed to the enactment of S. 1243 as not in the best interests of the District Government, its citizens, or the prison population. We are firmly convinced that implementation of the directives of S. 1243 will prove to be excessively costly, not in accord with sound correctionl practices and thus counterproductive, and contrary to the intent of the recently-enactedDistrict of Columbia Self-Government and Governmental Reorganization Act. Most importantly, there are at present no readily available sites within the District of Columbia for the erection of facilities which would adequately replace those institutions which constitute the Lorton complex.

We have prepared for the committee's consideration a detailed analysis of the many ramifications that would result from the enactment of S. 1243. I need only note here, Mr. Chairman, that the history and the present configuration of institutions and programs, as well as the history of the cooperative efforts of the two affected jurisdictions, cause us to question the need and desirability of upsetting at this late date a prior congressional determination regarding the appropriate location for Lorton. It has been in reliance upon such determinations that the District Government has expended money and many manhours to develop a good correctional system which we are seeking to improve still further. Our analysis also sets forth the potential financial impacts of enactment of the bill and the social and economic impacts which such a relocation would cause. Mr. Gilbert and Mr. Coppie will provide further information on the planning and fiscal issues involved in the relocation of Lorton.

As this is a lengthy and detailed document, Mr. Chairman, I shall not attempt to repeat its content here, but instead request that it be made a part of the record of this hearing. Let me briefly point out, however, that our estimates indicate that seven 40-acre sites would be needed to accommodate the programs and facilities of the Lorton complex if these penal institutions were to be reproduced in the District of Columbia. We are all aware of the critical shortage of vacant or unused land assemblies in the District of Columbia. The acquisition of suitable sites for the relocation of Lorton in the amount needed would involve the sacrifice of local and Federal park lands and open space programs, the abandonment of significant residential and commercial development projects, and probably the destruction and displacement of existing residential and commercial properties accompanied by substantial relocation costs for the displaced persons. I do not believe that we can overlook the serious impact that any prospective relocation of the Lorton complex to the District would have in terms of the disruption to homes and businesses, a further reduction in the city's dwindling tax base, and the loss to the District of the capital investment in the Lorton facilities. I firmly believe that it would be extremely difficult, if not impossible, to obtain the sites that would be required to relocate the Lorton installations within the District of Columbia.

The District has currently proposed expending $55 million to extensively renovate the Lorton facility. We have planned our capital improvements program to accommodate the debt service connected with this borrowing.

The proposed Lorton improvement plan will provide a modern and progressive physical plant and will meet building standards of the Commonwealth of Virginia and Fairfax county. Because of design features, the proposed facility will permit grouping of residents in small secure units of 200 to 400 which will also facilitate more tailor-made programs.

Should the District be required to spend an *additional* amount in excess of $100 million to relocate Lorton within the District of Columbia, a minimum of

$7.5 million in debt service would have to be paid from our operating budget each year for the next thirty years. In addition, other critically needed capital projects in the areas of education, public safety, and mass transit would have to be deferred due to a lack of debt capacity.

Finally, I must point out that the time frame mandated by S. 1243 within which the District must dispose of its Lorton facilities and make available alternative installations is not realistic. It would be virtually impossible for the District, by December 31, 1977, only two and one-half years away, to select and acquire suitable sites, prepare appropriate designs and specifications, secure the necessary funding, construct the requisite replacement facilities and dispose of the existing correctional complex.

Aside from the time factor involved, however, I cannot overemphasize the tremendous administrative and financial burdens that S. 1243 will impose upon the District Government and its citizens. Enactment of this bill will entail, among other things, costly and time-consuming studies, environmental impact statements, meaningful community participation in the developmental process, a possible referendum by voters of the city, and loss of our ongoing improvement plans.

We view the bill as untimely, wasteful, and unnecessary and for the reasons set forth herein and the additional reasons contained in our more detailed analysis of its impact, the District Government recommends against the enactment of S. 1243.

Thank you, Mr. Chairman.

Mr. DUGAS. Also, sir, that a document entitled The District of Columbia position paper on Senate bill 1243 dated July 9, 1975, be made a part of the record.

Senator SCOTT. Rather than incorporate it into the record, why don't we receive it for the file.

Senator BURDICK. It will be received for the file without objection.

Mr. DUGAS. Mr. Chairman, rather than read this statement that I have asked to be incorporated into the record, I would simply summarize to tell you and the committee precisely why the District of Columbia opposes Senate bill 1243.

First and foremost, Mr. Chairman, we believe this bill to be contrary to the intent of the Home Rule Act, which set forth budget approvals and has given to the people of the District of Columbia most of the functions regarding it's Government.

Second: we believe the move suggested by 1243 would be excessively costly.

Third: It would be inconsistent and not in accord with sound correctional practices.

Fourth: There are no readily available sites within the District of Columbia for such a facility or facilities.

Fifth: It would have a disastrous potential financial impact on the District of Columbia budget.

Sixth: It would also have a tremendously negative social and economic impact on the District of Columbia itself.

And seven and lastly, sir, it would be impossible in the ordinary course of events and the construction facilities of this magnitude to carry out within the time frame suggested by the bill the removal of these facilities.

Now, our analysis of this situation, Senator, which has been a very serious one, as the position paper will indicate, has shown that it would take approximately seven 40-acre sites to place and accomodate the programs and facilities presently located at Lorton.

I don't think there is any question in anyone's mind that there is presently a critical shortage of vacant or unused land in the District

of Columbia and when we talk about potential sites, we are necessarily talking about parklands, or other open spaces that are already committed for some uses.

We want to suggest to you, Senator, that the available sites that we have been able to identify would involve the taking of local and Federal parklands and the abandonment of significant residential and commercial endeavors.

As an example, it has been suggested that the Fort Lincoln site be used for this purpose. Well, for the record, I would suggest that the Fort Lincoln site presently has constructed on it a housing project for the elderly, an almost completed junior high school, and that the contract for the development of the site has been let to a developer and construction of at least 400 homes is to begin in September of this year.

So, the use of Fort Lincoln would seem to me to be entirely inconsistent with what we see as the needs of the District of Columbia.

It has been suggested that the Navy Yard complex be used. Here again, the military, along with local authorities have determined a rather mixed use of these facilities that would involve Federal office installations, homes, and commercial endeavors which would all inure to stacking up or helping us bolster our dwindling tax base in the District of Columbia.

Further, sir, the acquisition of sites needed would probably result in the taking of existing residential and commercial activities which we again think would be contraproductive, especially at a time when there is such a shortage of housing in the District of Columbia and there is a continual cry to us to provide more housing.

What I have done, Senator, is to assemble here today experts from each of the areas that we think have some interest in this and will have some information to impart to you. It includes me, from my office as City Administrator; the office of Budget and Management Systems, Mr. Comer Coppie; the Department of General Services; the Department of Corrections; and if it is agreeable with you, and the committee, sir, we would forego any further formal testimony and submit ourselves to statements, first by Mr. Coppie, Special Assistant to the Mayor for Budget and Management Systems; a general statement by Mr. Gilbert, of the Municipal Planning Office; and then we would be open to questions.

Senator BURDICK. That would be fine. You all make your statements and in conclusion, we'll ask questions of the panel.

Mr. COPPIE. Mr. Chairman, members of the committee, I have a prepared statement I would like to introduce for the record.

Senator BURDICK. We will receive it without objection.

[Statement of Mr. Coppie follows.]

STATEMENT OF COMER S. COPPIE, SPECIAL ASSISTANT TO THE MAYOR FOR THE OFFICE OF BUDGET AND MANAGEMENT SYSTEMS, GOVERNMENT OF THE DISTRICT OF COLUMBIA

Mr. Chairman, and members of the committee, I appreciate the opportunity to testify today on the proposal to relocate the correctional facilities at the Lorton Complex. As the City's Director of Budget and Management Systems, I will address the Lorton relocation issue in terms of its financial impact on the District of Columbia.

Over the last ten years, the District of Columbia has undertaken one of the most ambitious capital improvements programs in the County to replace or

modernize inadequate facilities throughout the City. This program has progressed to the point that approximately one billion dollars worth of construction is now underway. Over the next several years, an equilibrium point will be reached at which new project starts will be limited to a small number of vitally needed projects.

The City must finance these capital projects within its legislated debt restriction, which limits annual debt service payments to 14% of projected City revenue, and in accordance with what we believe are prudent financial policies. Since debt service on capital borrowing is paid from the City's annual operating budget, the financial burden of capital expenditures falls primarily upon our current and future taxpayers.

The District's latest Capital Improvements Program, which is our primary vehicle for capital facilities planning, indicates that the City can reasonably expect to initiate optional new projects costing approximately $260 million in the period 1976 through 1981. This projection assumes that no more than $55 million will be required for modernization of the facilities at the Lorton Complex. The requirement to spend an *additional* $100 million to relocate the Lorton facilities would require the deletion of important and long-delayed projects in the areas of Public Education, Higher Education, Public Safety, and Human Resources. Such a serious distortion of the City's carefully formulated capital improvement priorities would seriously impair our ability to deliver the broad range of City services which are required by our citizens and paid for with their taxes.

In conclusion, Mr. Chairman, we wish to reaffirm the City's objective to provide safe and modern facilities at the Lorton Complex. We believe that the proposal now before the City Council represents an intelligent approach to providing such facilities at a cost which the District of Columbia can afford.

Mr. COPPIE. I would like to summarize, Mr. Chairman, that statement very briefly. The City Administrator has established that the cost of relocating he Lorton facility in the District of Columbia would be a substantial one for the District of Columbia and one that we feel is not only unnecessary from the program standpoint, but one that would place a very serious financial burden on the District of Columbia at a time we are facing serious budget and fiscal problems.

I think it would be helpful to the committee to understand what we have done in the area of capital improvements over the last several years, where we are, where we appear to be headed, and how we finance our capital improvement programs.

The first thing I would point out, Mr. Chairman, is that we have mounted a very substantial capital improvement program in the District of Columbia to compensate for the years—most of this century—when there was little or no capital improvement in the District of Columbia.

For example, we currently have about $1 billion of capital improvement underway in the District of Columbia. Our captial program is financed by borrowing from the Treasury of the United States. That will change under the Home Rule situation where we are required to fund all new projects authorized after January 1, 1975, from the commercial municipal bond market. We are on a schedule which calls for our first municipal sale of bonds in the fall of the current calendar year.

Our debt ceiling is determined by a somewhat complex formula, but the most simplistic way I can explain it to you, is to point out we are limited in debt service to 14 percent of our operating revenue. Our current capital plan is built around that 14-percent factor or formula. If we are successful in implementing our current capital

program, the 14-percent factor will be adequate to meet our capital needs through the balance of this decade.

We are at a point where we are essentially going to be balancing out in terms of capital needs by the end of the current decade. We still have some very important needs to address in the areas of public safety, human resources, public education, particularly higher education, where we are developing two permanent campuses for the Federal City College and the Washington Technical Institute.

Moreover, our capital plans include a 55 million commitment for a substantial modernization for the Lorton plant in Lorton, Va.

Mr. Chairman, if we were to be asked to assume an additional $100 million responsibility for the Lorton improvement program, in the District of Columbia, it would mean a substantial deferral or substantial elimination of projects that we are committed to particularly in the broad area of human resources, including public education.

In short, Mr. Chairman, we feel that is something that not only violates the commitment of the Congress to home rule in the District of Columbia, but would place an unfortunate cost burden on District citizens at a time when we are having very difficult financial problems.

With those brief observations, I will stand ready to answer any questions.

Senator BURDICK. Thank you.

Mr. GILBERT. Mr. Chairman, I am Ben Gilbert, Director of the Municipal Planning Office, and with your permission, I would like to highlight a prepared statement which I would like to offer for inclusion in the record.

Senator BURDICK. It will be received, without objection.

[Statement of Mr. Gilbert follows.]

STATEMENT OF BEN W. GILBERT, DIRECTOR, MUNICIPAL PLANNING OFFICE

SUMMARY OF PRELIMINARY EXAMINATION OF POSSIBLE CORRECTION CENTER SITES WITHIN THE DISTRICT OF COLUMBIA

The Municipal Planning Office has made a preliminary review of possible sites in the District of Columbia where penal facilities might be located. A detailed staff report has been prepared as a product of that review.

That there is dearth of substantial vacant land assemblies in the District of Columbia is well-known. In making this review, it was necessary to examine possible locations which cannot be considered truly vacant in the sense that they have no present use. Those that have been identified, generally, have been dedicated to other purposes. To make use of these spaces would involve the sacrifice of local and Federal park land and open space programs of abandonment of significant residential, commercial, or industrial development projects.

We have reviewed a variety of locations, 36 in all, including 14 in the 40 acre range specified by the Corrections Department, and a number in lower acreage ranges. It is our conclusion that it would be difficult, if not impossible to obtain the land assemblie that would be required to relocate the Lorton installations within the District of Columbia.

Our preliminary planning analysis of alternative locations strongly suggests that the proposed relocation of the Lorton facility to the District is unfeasible from a land use perspective and would impose an extreme burden on the District's resources—environmental and social, as well as economic. Moreover, such action would represent a loss to the city in terms of the capital investment in the Lorton facilities.

Given the lack of readily available land in the District, it would seem desirable from a municipal planning standpoint, to continue to make use of the Lorton reservation for penal purposes.

Lorton occupies a 3,000 acre site in Fairfax County, 20 miles from the District of Columbia. It provides a variety of correctional facilities for about 2,000 sentenced offenders, primarily from the District. A rehabilitation center for alcoholics and a landfill operation that is used by the District and Fairfax County are also located on the reservation.

D.C. Department of Corrections officials estimate that seven 40-acre sites are required to relocate the Lorton programs and facilities within the District. The space requirements are based on the need to provide buffering and to allow room for needed training, recreational, housing and utility facilities required to maintain a humane yet secure environment for the correctional programs.

A dispersed pattern of specialized facilities for different categories of inmates is desired to meet statutory and program objectives. The alternative of building high rise facilities to house large numbers of detainees is not favored for program reasons, as well as for reasons of safety and security and because of its lack of flexibility. In designing each specialized facility, provision should be made for spaces for dining, working, recreation and sleeping. Modular designs of such dispersed facilities are favored to enhance flexibility.

The criteria used to evaluate the 36 sites reviewed by the Municipal Planning Office included:

(1) *Relocation.*—Are significant relocations of residences or businesses required? Any significant relocation should exclude a site from consideration.

(2) *Open Space.*—Would the withdrawal of open space adversely affect the park and recreation systems of the city, thereby conflicting with District and Federal open space policies?

(3) *Community Acceptance.*—The desirability of assuring community acceptance for correctional centers, given urban space considerations, buffering limitations due to the size of potential sites and existing built-up development patterns in the District.

(4) *Land Condition.*—Can the soil condition and topography accommodate the structures required for a modern correctional institution?

(5) *Land Cost.*—The high costs of urban land assemblies, is a factor that must be considered in locating correctional facilities in congested urban areas.

(6) *Land Use.*—What are the physical impacts in terms of noise, traffic and air pollution and the perceived impacts on nearby residential and commercial use? What are the land uses that must be displaced?

(7) *Access.*—Extensive movement of correctional traffic through local streets must be avoided. Is access convenient and secure? These criteria have been applied to three groups of sites:

(*a*) One group of 14 sites suggested by the Department of Corrections. These were originally identified primarily to provide a measure of land costs, rather than for other factors. (Indicated on the map by "G").

(*b*) Seven sites previously considered for the D.C. Detention Center (excluding the site selected). Generally, these sites are under 40 acres. (Indicated on the map by "D").

(*c*) Fifteen other identified assemblies (indicated on the map by "O").

Our preliminary review of the thirty-six sites suggests that few, if any of the locations, could be built upon without great cost in lost opportunities to build new residential, commercial and industrial areas that are needed to assure the vitality of the city's economic base, or alternatively with the loss of badly needed recreational and open spaces. Also to be considered are the adverse programmatic and environmental impacts which would result from the location of a correctional facility in highly urbanized and already built-up areas of the District of Columbia.

Furthermore, such adverse impacts must be weighed against the purported benefits expected to accrue through such relocating action. Another factor is the loss of the District's extensive long-term capital investments in the District's facilities at Lorton.

From a regional perspective, relocating the Lorton facility to the District undermines the concept of mutual cooperation within the Washington region. It is not uncommon for cities to have facilities located outside their boundaries, or alternatively for central cities to provide services needed by an entire

region. The District provides space for a number of significant national and regional functions within its boundaries which serve people from other jurisdictions. These include St. Elizabeths Hospital, Soldiers Home, and especially the regional Blue Plains sewage plant whose use is arranged through interjurisdictional compacts.

Regional cooperation which gives due regard to interjurisdictional requirements is essential to effectively deal with the many problems of complex metropolitan areas including this one. There are many trade-offs that must be considered in determining optimum regional arrangements. It is in that contex that we continue to believe that the continued use and improvement of theLorton facilities is in the interest, not only of the District of Columbia, but of the entire metropolitan region.

It is our belief that such considerations prompted Congress at the turn of the century to approve the establishment of the Lorton reservation for the use of the District of Columbia. They were valid then and remain valid today.

Mr. GILBERT. We made a preliminary study of possible sites in the District of Columbia which could accommodate the penal facilities which we are talking about. It is well-known, as the city administrator pointed out, there is a dearth of substantial vacant land assemblies in the District of Columbia.

And so, in making this review, we looked at the possibility of 7 sites of 40 acres each, rather than approaching it by looking for a site of say 300 acres for the entire facility.

Even at the 40-acre limit, we ran into this great difficulty, the lack of land assemblies of that size, except for those in public hands and those sites with very few exceptions were not truly vacant sites at all, in the sense that they have no evident land use. Open space is a land use, and it is one that we cherish and it is very important. The more congested cities become, the more important the little pieces of open space that we have are for the health and well-being of our cities.

And so, we have looked at some of our open spaces and other land assemblies. I think it should be made clear that we are not recommending and I say this by way of comment on Senator Young's concern about the Soldier's Home, which was one of the sites which was looked at. We would deplore the day we would have to take the Soldier's Home or a number of the other sites we looked at for this purpose, because that would deprive us of a very valuable asset of open space. Part of the importance of the Soldier's Home as a facility, Senator Young ably highlighted. It is also important as a bit of green space and open space in an area of our city which needs that amenity as a means of making congested urban conditions tolerable.

Nevertheless, to carry out our commitment, we have looked at these sites. We have looked at 36 in all, including 14 that were in the 40-acre range, which is the range that was specified by our Correction Department as a minimal level for performing and decentralizing this diverse type of correctional establishment.

It is our conclusion that it would be difficult, if not impossible to obtain the land that would be required to relocate the Lorton institution in the District of Columbia.

Mr. Chairman, I do not intend, unless you desire me to, to go over each of the locations in detail, but I have tried to highlight the circumstances of it.

Senator BURDICK. May I ask if you have a copy of the chart for the record?

Mr. GILBERT. A copy of the chart was filed with the bulky document. In addition, there is a separate document which perhaps might be more helpful which has the chart at the end of it.

Senator BURDICK. We will receive it all without objection.

[The District of Columbia position paper follows.]

DISTRICT OF COLUMBIA POSITION PAPER
ON SENATE BILL 1243

INTRODUCTION

The Senate Judiciary Committee's Subcommittee on National Penitentiaries is holding hearings on Senator William Scott's Bill, S. 1243, which would force the District of Columbia to move Lorton prison facilities to the District. Alternatively, $55.4 million of District Capital Funds would be transferred to the Attorney General of the United States, and he would be directed to sell the Lorton Reservation and use the proceeds, along with the Capital Funds, to purchase sites and construct penal facilities in the District by 1978. Failing this, the Bill provides that the Attorney General transfer District prisoners to the Federal Bureau of Prisons. This is the most recent of the Senator's three attempts to remove from District control its correctional system.

The District of Columbia is opposed to this Bill because it threatens the intent and thrust of Home Rule; because the move is impossible to make; because it is excessively costly; because it flies in the face of sound correctional practice; and because there are far better ways of settling whatever real or imagined problems exist concerning the presence and management of the Lorton Reservation.

When the District of Columbia was an agent of the United States Government, its relationship with Northern Virginia regarding Lorton was, for the most part, amicable. It is only in the past few years, with the advent of severe prison overcrowding and the recent move towards Home Rule, that this relationship has changed. Since 1967, there have been numerous efforts to put an end to the District's presence in Lorton. In the past two years, these attempts have been accelerated by Senator Scott's attempted amendments to legislation in 1973 and 1974, and the filing of two "public nuisance" suits, one by the State and one by Fairfax County. However, in March, 1975, the State suit was dropped. Woven throughout each effort was frequent and flagrant use of distorted data which alarmed citizens and provided grist for sensational news media coverage. Hopefully, the fact-finding search by this Subcommittee will do much to right that wrong.

For the most part, the District and the Department have remained too silent while critics and detractors have ranged far and wide with distortion, half-truths and out-right lies. This can no longer be endured. Today the facts will be presented that should once-and-for-all refute the critics and put the status of the Department in the correct perspective.

This paper presents the District's position on the Scott Bill. It is divided into three broad sections: Background of the Bill, Impact of the Bill and an Alternative.

BACKGROUND

Origin and history of Lorton

The District of Columbia is a unique entity within the United States. On the one hand, it performs many of the normal functions and services of a state and county. It has recently moved even further in this direction with the limited Home Rule Bill. On the other hand, the meager land resources of the District do not allow fulfillment of these functions within its boundaries. Further, Federal Government buildings and other Federal land holdings occupy nearly half (43.3%) of the District's land.

As a result of these constraints, the District has been forced to place many of its facilities outside of its boundaries, in the Maryland-Virginia regional area.

The special regional relationship between the District and Fairfax County began in 1910, with the purchase of a tract of undeveloped land on Occoquan Creek and the establishment of a Workhouse there. It was recognized even then that it was not feasible to house large numbers of incarcerees within the

District. In 1914 and subsequent years, additional land was bought on which the District constructed the Central Facility and, later, the Maximum Security Unit.

This portion of Fairfax County was remote and undeveloped at that time. The land had to be cleared for agricultural use, and transportation was so poor that the District relied on barges to supply its institutions.

The original facility constructed was used as a minimum security workhouse and farm. Subsequently, increased inmate population and the need for greater security dictated the expansion of facilities into a more conventional prison setting.

As Fairfax County grew, and as the isolation of the Reservation diminished, areas of mutual cooperation increased. The District recognized that it was undesirable to attempt to maintain the Lorton institutions as self-sufficient facilities. The District purchases untreated water from Fairfax County, and the Department purifies the water for institutional use. Similarly, the Department of Corrections once maintained its own fire-fighting force and equipment, but now relies primarily on Fairfax County for such services. Fairfax County police assist in some emergencies, such as escapes, although responsibility for maintaining order on the Reservation remains the obligation of the District and Federal Governments.

Title to this land is in the name of the United States. However, equitable use title is held by the District. Consequently, the District has always administered the property.

Federal courts had jurisdiction over the Reservation, and individuals convicted of violating the D.C. Code were considered to be Federal prisoners. Since implementation of the 1970 "Court Reform Act," judicial jurisdiction over D.C. Code violators has been with the D.C. Superior Court, not the U.S. District Court. Therefore, those sentenced to incarceration are housed in District facilities at Lorton. It is the District's position that this should continue to be the case.

The rapid escalation in institutional populations (which exceeded capacity by 56% in 1972) led the Department to establish short-term measures that increased perimeter security, and, by 1974, reduced escapes. It also resulted in the Department formulating, in 1972, the Gruzen and Associates Lorton Expansion Plan as a long-term solution. The Lorton Expansion Plan was later modified to become the Lorton Improvement Plan.

In recent years, the District has met frequently with Fairfax and State officials to review measures taken by the Department to increase security at Lorton and to develop cooperative efforts to enhance security. Among other things, procedures were developed for rapid notification of Fairfax County police in event of emergencies; a system was devised to warn Lorton residents of escapes; inmate identification procedures were initiated; and County officials were apprised of the Department's actions to improve perimeter security.

Quarterly law enforcement meetings are held regularly at the Department's Training Academy at Lorton. These meetings are attended by representatives of Virginia, Maryland, the District of Columbia, and U.S. Attorneys from the Eastern District of Virginia and the District of Columbia, as well as the City's Corporation Counsel and Fire Department. These meetings were instituted in furtherance of a regional approach to law enforcement.

The Correctional Complex at Lorton became a center of employment in the Northern Virginia area, especially Fairfax and Prince William Counties. The Department still employs large numbers of Virginia residents at the Lorton facilities.

As of December 30, 1974, there were 820 persons so employed. This represents State taxable incomes of approximately $10,000,000 annually. Additional money is spent purchasing supplies in Virginia. An estimate of these expenditures in FY 75 is $1,112,000. The State of Virginia and its residents obviously benefit from the District's presence at Lorton.

Over a period of 65 years, the Department has established a record of living in harmony with its neighbors in the community. As a good neighbor through the years it has offered assistance in time of need and emergencies, and has benefited community projects and civic organization. Its willingness to be of service is largely due to the fact that many of its employees have a vested interest in the community—not only because it is their place of employment, but because it is their home.

Prior to the establishment of local fire departments as they exist today, the Workhouse Fire Fighting Squad assisted the local fire companies (Occoquan and Lorton) in providing fire protection for the Lorton, Springfield and Occoquan areas. The Workhouse Squad was made up of both inmates and officers. During earlier years, much of the area was heavily wooded, and forest and brush fires were prevalent.

In winter, the roads between Shirley Highway (Route 95) and Route 123 to Occoquan are frequently kept open by the Department's snow equipment. While this service is performed to assure that Department personnel can get to work, it also benefits the residents of the County who live in the vicinity.

The officers and inmates of the Minimum Security Facility have been on hand to assist during times of disaster. the most recent being the severe flood caused by Hurricane Agnes in June 1972. A work crew of inmates and officers was dispatched to Manassas Park and Occoquan to perform cleanup operations. The men worked for a period of five days removing debris and assisting residents in restoring their homes to livable condition.

Several years ago the Lorton School was vandalized by fire bombs which caused considerable damage to the interior of the school. A crew from Minimum Security assisted in performing cleanup operations. The inmates further responded by donating several paintings to the School to replace those that were lost in the fire.

The Agriculture Unit has provided many services to the community over the years. The Lorton Fire Department's Little League Ball Field was graded and seeded by officers and inmates of Corrections's Agriculture Unit. Donations of plant material (shrubs, plant cuttings, etc.) have been made to the Lorton Elementary School to be used as sale items for school projects. Donations of farm produce and plant material have also been made to the Pohick Episcopal Church for use at its annual fairs.

The Department co-sponsored a Boy Scout Troop in the Lorton area for approximately five years. Further, as a service to the Girl Scout Organization, officers and a crew of inmates from the Minimum Security Facility dismantled a large barn at Haymarket, Virginia and transported the lumber to the Girl Scout camp at Brentsville, Virginia.

For a number of years the Department co-sponsored the Annual United Christmas Party for needy families in the Lorton Area. The employees took an active part in purchasing toys and items of food for the baskets, and helping to distribute gifts at the party.

An outstanding service was performed by a group of inmates known as the "Inner Voices." During the height of the drug-abuse problem in the schools (1971–1973) this drama group presented its drug education program to many elementary and high schools in the Lorton, Woodbridge, Dale City, Alexandria and Arlington areas, as well as to many civic organizations in Northern Virginia.

The Department recently made a donation to the Lorton Information Center, a local civic organization, to aid in its effort to open a gymnasium to local teenagers during the summer. The Lorton Little League and other local teams have always been welcome to use the Department's baseball fields.

The Department recently cooperated in establishing a class entitled "Inside Lorton," offered through the Northern Virginia Community College. The class will begin in July 1975.

Finally, the facilities at Lorton have consistently maintained an open door policy to area citizens and officials. Institutional visits by students and civic organizations are encouraged in the belief that public knowledge about the day-to-day operations of the Lorton facilities is the best way to allay fears and gross misconceptions.

The Department has welcomed Andrew Miller, Virginia's Attorney General; Congressman Herbert Harris; Warren Cikins, Fairfax County Board of Supervisors; and Congressional staff from this subcommittee and Senator Scott's office. Interestingly, some of the Department's most vocal critics (including Mr. Herrity, who appeared before you earlier) have never seen fit to accept repeated invitations.

Changing patterns

The Reservation occupies an approximate five square miles of southern Fairfax County, one of the most affluent areas in the nation. Because of its size

and type of occupancy, the Reservation constitutes a major metropolitan and use.

If Corrections were not located there, the land could accommodate 15,000–25,000 or more people for residential purposes, depending on the zoning and density. (The estimated value of subdivided and improved land at that location, including sewers, sidewalks and streets, water mains, and a sewage treatment plant, but not counting the value of homes or structures, is $74 million.)

The Reservation currently includes five sentencing institutions (one Minimum Security, one Medium Security, one Maximum Security facility and two Youth Centers. The Reservation is operated as an integral unit with a capacity of 2,150. All but the Minimum Security facility are well buffered from the others and the surrounding community with fences, in some areas double fences, and perimeter roads. Most importantly, open space is provided, not only for the well-being of inmates, but also to prevent the compaction of institutional uses against residential areas. The existence of open space also permits the cultivation of crop land, the raising of livestock for beef consumption, and a large dairy herd which fulfills all Department milk product requirements. More difficult in an urban environment would be the placement of Prison Industries, now grossing over $1,500,000 annually, and the location of central maintenance and enginering, transportation and garage, and warehousing and commissary facilities. These are all presently found at Lorton.

The Reservation additionally houses physical plants not operated exclusively by the Department of Corrections. These include the Rehabilitation Center for Alcoholics operated by the Department of Human Resources, a landfill used by both the District and Fairfax County, and a proposed cooperative park venture with the Northern Virginia Regional Park Authority.

Because of its closeness to the District, and because of the regional arterial highway development, it became one of the few locations in the country that could house sentenced inmates close to their homes. The District is fortunate in this respect, since this is one of the trends in modern penological thinking.

The development of additional roads also meant changing surrounding land use patterns. The property to the east is largely occupied by military reservations and parks. In the western sector, predominantly rural uses are still found. From the north, and moving rapidly in a southern direction in an expading arc and along Route 95 are housing subdivisions and commercial/industrial areas. Despite the excellent buffering surrounding the institutions, this encroachment is what seems to be causing the unpopularity of continuing the facilities at their present location.

In addition to the changing patterns of land use and transportation, the character of the Department has also changed. The inmate population at Lorton has been predominately Black, but correctional personnel, until recently, have been predominately White. Now 54% of the Department's employees are Black.

Changes in the nature and volume of the prison population have also occurred. Following the Court Reorganization Act of 1970, the Department's population at the Reservation increased from an average daily population of 2,000 in 1970 to 2600 in 1972, but has since dropped to the present (June 1975) average daily population of slightly in excess of 2,000.

At about the same time, the Court's increased use of diversion programs for the minor or first-time offender had the effect of narrowing the range of offender types at the Lorton Reservation. Sentences are growing longer and the average type of crime for which sentenced, more serious.

In recent years, demonstrations have shown that the prisoners do not passively accept the conditions of their confinement. Activism is replacing the mute acceptance of the past. Inmates are more articulate and aware of their constitutional rights, and very often the burden of proof rests with corrections. Inmates are now taking their grievances to readily accessible courts and thus causing corrections to justify its actions, so as to ensure that all inmates enjoy equal protection under the law.

Such a change in the times is mutually beneficial; yet it requires a new approach by corrections. Corrections has responded to the need for change by implementing new and progressive rehabilitative programs, and assuring more humane and secure custody of the offender through programmatic and capital improvements. To meet the immediate security needs of a burgeoning population and the more intractable character of inmates, the correctional officer

ratio was increased and other specific measures introduced. Nevertheless, the impact of overcrowded facilities produced by the 1972 population boom was severe.

Recent actions

The rapid increase in institutional population in the early 70s and the sensational dramatization of escapes and institutional disturbances triggered an understandable fear on the part of residents of Fairfax County. Unfortunately, the situation has been unfairly exploited by proponents of the Bill to further raise the anxieties of the County's residents. The Department's grave concern has been demonstrated by improving security to reduce the likelihood of escape. These efforts have been successful. The Department had a *perimeter* escape rate of 1.9% in FY 1973 (including walkaways from the Minimum Security Facility). In FY 1974, this was halved to .9%. In FY 1975, as of May 7, 1975, it maintained a 1.0% perimeter escape rate. Obviously, the perimeter security status of Lorton has improved, and this improvement is well established.

Further, the *overall* escape rates compare favorably with those in nearby jurisdictions. For example, Maryland is reported to have experienced an overall escape rate of 7.6% in FY 1973, and 6.2% in FY 1974, while the comparable figures for the D.C. Department of Corrections are 3.6% and 4.7% respectively. In Virginia, the most recent statistics available compare calendar 1973 population with FY 1974 escapes and produce an escape rate of 8.7%.

The improved security performance of the District's Lorton facilities is not due to chance; it is due to specific capital and managerial improvements. The capital measures include construction of two new towers and three perimeter guardhouses, installation of high intensity lighting both inside and outside the perimeter, and the purchase of new communications equipment and metal sensitive detectors for screening employees and visitors.

Most recently the Department has constructed double fence lines at potential escape points in the Central Facility, with white crushed stone between the fences for added visibility. A perimeter road is under construction and will be completed by mid-summer of 1975.

Finally, the Department is considering a contract for a $300,000 electronic surveillance system for the Central Facility. This will include night cameras and motion detectors linked to a central alarm system.

Managerial measures taken to improve Lorton security include increased security staff, creation of a perimeter patrol, specific assignment of responsibility for perimeter security (fence line, towers, gates and perimeter patrol) to one duty officer on each shift, initiation of a "hot line" contact with Fairfax County Police and a civil defense siren for warning Department personnel and Lorton community residents in case of escape. Additional sirens are on order.

More detailed procedures have been instituted for the search (or "shake-down") of inmate living areas. Every week, at least one dormitory or shop area is chosen at random by the senior captain for a personally supervised shake-down. Also, one full-time and four part-time female correctional officers have been hired to conduct searches of female visitors, employees and attorneys. All employees are now searched upon entering the Central Facility. Requests for personnel and equipment have been made to institute similar procedures at the Reservation's other institutions.

The items listed amply demonstrate a security-mindedness which is responsive to the concern of local residents and their representatives. The Department places physicaly security as its first priority. Clearly, these measures lessen the already minor danger potential of the Lorton institutions to area residents.

Even when escapes occur, the likelihood of a Fairfax County resident being victimized is remote. Most escapees flee to the District of Columbia as quickly as possible. According to Fairfax County Police, since 1970 there have been only three incidents of escapees being charged with crimes in Fairfax County.

An allegation in the recent "public nuisance" suit by Fairfax County (Section IV, Article 17, Subpart d, Page 10) states that the value of residents' properties has been adversely affected by the presence of the Reformatory. The Department of Corrections has examined this charge and has difficulty in finding a basis in fact.

The Fairfax County Real Estate Assessment Office gave the Department a sample of 1966, 1970, and 1973 assessments of land values (private) adjacent

to the Lorton Reformatory. Their average increase was 279%. This is almost a fourfold increase in seven years. The lowest increase in land value was 200% and the greatest increase was 382% over the same period. Further, it was learned that the land currently occupied by the Lorton Reformatory itself has increased by 399% over a seven-year period, and 734% over a nine-year period. In 1966, the land occupied by the Lorton Reservation had a fair-market value of $1,750,000, and nine years later, the same land was valued at $14,602,000. Land adjacent to the Reservation had not yet been assessed for the 1975 tax year at the time this information was received. However, data produced on the comparative seven years for private land and nine years for the Reservation does not suggest that the Reservation has had an adverse impact on property values.

Clearly, on the record, cooperativeness has been the posture of the District Government in dealing with Fairfax officialdom and citizens on the matter of Lorton. It was viewed as a regional problem and the effort was to explore joint solutions to problems that arose in 1972, that were, for the most part, caused by the then rapidly expanding institution population.

A few years ago, the District explored with Maryland and Virginia the idea of mutual use of area facilities. Unfortunately, nothing came of this except that several of the jurisdiction's correctional officials were greatly interested. Nevertheless, the changing demographic nature of the Washington Metropolitan Area dictates that the concept of regionalism be extended to correctional facilities and resources. There is ample precedent for this in the interstate compacts on detainer disposition and parole supervision.

The geographic uniqueness and the economic mutualism of the District and neighboring Virginia and Maryland are ideally suited to developing, to the greatest extent possible, the sharing of resources. Insofar as corrections is concerned, each governmental unit of the area has much to offer in order to avoid duplication of effort and uneconomic allocation of resources.

The Washington Post touched upon this issue in a May 29, 1975 editorial, "Setting A Tone for Regional Cooperation":

"Whether the issue is regional taxation, the financing of Metro, what to do about Lorton or the handling of sewage, the debates between the various jurisdictions of greater Washington have a way of degenerating into factional disputes. That is why we were pleased to note that last week, Senator Charles McC. Mathis, Jr.—who as a Marylander and ranking Republican on the Senate District Committee has an important role in regional affairs—addressed this problem in remarks to the Senate.

"Drawing from a theme in a May 19 column by William Raspberry on "Lessons from Racial Hatred," Senator Mathias said that "one point he made, "that what you say to one is heard by all. And some don't always hear it right," struck home with me. It might do well for all public officials, especially those in the Metropolitan Washington area, to be guided by those words." The Senator went on to note that in the coming months, each jurisdiction in the region will face decisions affecting the entire area:

"Without question, the issues contained in each decision will be thorny and perhaps emotional. That is to be expected since public transportation, health care planning, law enforcement and taxation are all issues which directly touch the lives of every citizen. The manner in which public officials in the Metropolitan area respond to and discuss these issues in public forums, however, is equally critical. For what we say, and how we say it, may well influence the attitudes and behavior that neighboring communities will display toward each other."

"The danger, said Senator Mathias, is that public officials may be tempted, "out of some misguided sense of parochialism," to "cavalierly play to a narrow constituency without care for the message we send to our neighbors." Instead, he called for a recognition that "the best long-range interests of all are served when the region as a whole lifts its sights and goals beyond immediate consideration of which community and what group within will achieve some immediate and possibly short-lived gain."

"Certainly the financial problems confronting the region, particularly the completion of the Metro system, are putting new strains on political relationships. Moreover, they extend to Capitol Hill, the White House, Annapolis and Richmond. Yet there is also new potential for more effective cooperation. For one thing, the establishment of an elected government in the District should enable the suburban governments to deal more directly and efficiently with the

city. Also, the emergence of a regional caucus in Congress since the last elections can generate Congressional support for legislation assisting the area. And in attempting to set a constructive tone for these processes to continue working, Senator Mathias has performed a most valuable function in his capacity as a leader enjoying the respect of those now embroiled in the severe tests of regionalism."

The District wholeheartedly subscribes to the ideas expresed in the editorial.

In January 1974, Mayor Washington met with Fairfax officials to discuss problems such as fire protection services, sewage treatment, and which jurisdiction has legal-judicial authority over Youth Center One. At this meeting, the Mayor shared with Fairfax County the proposal for improving the Lorton facilities.

Further meetings were held in January and subsequent months to resolve such matters as modifying the water lines at Lorton so fire-fighting could be effective. Also, the two jurisdictions began preliminary work to establish a service contract for purchase of fire-fighting services.

In June 1974, District officials met with the Fairfax County Executive and staff to brief them on the Lorton Improvement Plan, and to discuss unresolved details of problems. Fairfax officials were assured that the District was aware of the State of Virginia's standards for water and air quality, and that LIP would be in compliance because District standards are more stringent.

A further meeting of legal and Departmental officials of both jurisdictions was held in September.

The District and Fairfax County have had success, until the suit was filed, in maintaining regional cooperation concerning Lorton. It is the City's sincere hope that cooperative efforts can be resumed. They are absolutely necessary for both governments to achieve the goal of mutually assuring the welfare of their citizens.

Further evidence of the District's advocacy of regional cooperation was its response to the Fairfax County Board's requested clarification of the District's position on:

1. The incidence of escapes from the Lorton facilities, and steps being taken by the District to provide security.
2. Whether the County has the right to review the District's use of the Lorton property.
3. Whether Fairfax County has the authority to levy taxes on the Lorton facilities, including property improvements.
4. The need for and desirability of the District's use of Fairfax County services, and payment for such services.

District officials discussed these concerns with the County Attorney. Two of these problems have been resolved, one was under discussion by the District and the County, and the fourth could be discussed if Fairfax were willing to resume negotiations.

On the problem of escapes, for example, the Department took corrective action in 1972 and 1973 which resulted in a significant decline in the number of escapes in 1974. By 1974, and continuing through 1975, the Department, by improving security features and management, reduced the number of perimeter escapes by over 60%. In FY 1974, there were 18 perimeter escapes from Lorton facilities, as opposed to 46 the previous year. Cooperation between Lorton and Fairfax Officials resulted in the rapid apprehension of most of these escapees, in many cases before they left the Reservation grounds.

The renovations that are proposed for the Lorton facilities will further increase security by improving the perimeters of the institutions while simultaneously improving the living conditions within them.

On the question of the County's review of the District's plans for the Lorton Reservation, the District noted that the Lorton Improvement Plan is still in the proposal stage (and not a site-utilization plan); thus it is premature to have a site review. However, the District has agreed to consult with Fairfax County when the plan is formalized by an architect-engineer and the District. This review will come during the design phase, approximately three to six months after Congressional approval, and about nine months before actual construction begins.

On the question of utilizing County Services, the District noted that cooperation between the two jurisdictions has increased in recent years. The District and Fairfax County were negotiating a contract for the purchase of fire protection services. Improvement of the water system for fire-fighting purposes is

included in the Lorton Improvement Plan. Similarly, the two juridictions had come to agreement regarding notification of County police in case of emergency. Consultation also has taken place regarding the utilization of Fairfax's sewage treatment facilities and compliance with Virginia's clean-water and clean-air standards. Consideration also was given to the matter of purchasing treated water from Fairfax County.

The problems of defining legal jurisdictions on the Lorton Reservation and the limits of the taxing authority of Fairfax County have not been discussed in detail. These matters could be taken up shortly by legal counsel for both juridictions.

On December 25, 1974, the Department of Corrections suffered an escape involving four residents. While the incident is tragically regrettable, it further illustrates the need for continued efforts to establish interjurisdictional cooperation. Unfortunately, Fairfax County apparently took this incident as an excuse to cut off negotiations, and filed suit against the U.S. Government and the District of Columbia for $12,000,000.

That the D.C. Department of Corrections has been engaged in a good-faith, effective effort to maintain and improve security at Lorton is supported by the recent decision of the Virginia Attorney General to drop the State's suit against the Department.

This decision was formalized in a March 11, 1975 Court Order, successfully ending months of negotiations by the two juridictions. The Order specified twelve security improvements, recommended and endorsed by the Attorney General, which have already been instituted, as well as four changes underway, and seven changes the District agreed to implement on a continuing basis. This ought to be precedent for resolving, via negotiations, differences with Fairfax County.

Rather than using unfortunate incidents, such as the Christmas escape, for political leverage, the District Government, and especially the D.C. Department of Corrections, feels that local jurisdictions can best handle these situations with an attitude of mutual cooperation. Obviously, name calling and mutual antagonisms have not improved the situation. Filing suits in court or introducing Bills in Congress is counterproductive and unnecessary, so long as the door to negotiation remains open.

IMPACT

Financial

The sale of land at Lorton will produce between $15,000,000 and $38,000,000. This range is derived from a fair market value of land at approximately $15,000,000, and a plant facility valued at approximately $23,000,000 as shown by the following Fairfax County estimate:

Total plant facility	$23, 260, 700
Land	14, 602, 162
Total Lorton value	37, 862, 862

NOTE.—The Department of Corrections estimates the value of Lorton according to the cost of replacing the plant facility and the land. Replacement costs of the Lorton facility is $98,200,000 as shown below:

Estimate of land value (3,000 acres at $5,000 per acre)	$15, 000, 000
Building replacement costs (1.6 million ft² at $40 per square foot)	64, 000, 000
Value of fixed equipment	19, 200, 000
Total value of Lorton facility	98, 200, 000

The land value carried by the County (approximately $15,000,000) is the most realistic figure for estimating purposes.

The nature of the structures tends to distort their value in both directions. Specialized use of the land, by other Correctional organizations for example, would make the improved land more valuable than indicated by Fairfax County figures. However, the fact that they consitute facilities with rather limited use potential detracts from their value as far as most potential buyers are concerned.

Given a standard depreciation rate and the fact that most buildings are over 30 years old, the physical plant itself is worth little more than its residual value.

Capital funds available to the Department as of March 1975, $55,000,000, plus the land sale proceeds, $15,000,000, would produce a fund availability of $70,000,000.

Two basic considerations must guide the choice of land within the boundaries of the District. First, the issue of population dislocation must be thoroughly considered; and, second, the impact which such land use would have on the City's tax base must be kept in mind. Costs are very important in each case, both monetary costs in the short- and long-term and the cost in human welfare engendered by the condemnation of residential areas or recreation areas which would undoubtedly occur should the Congress require such a move to be made. In discussing costs of land within the District boundaries, it is assumed that such land can be acquired at a price of between $28,000,000 and $86,000,000.

Fourteen sample sites within the City were examined to determine immediate and long-range costs of land. It is important to note that these sites do not represent actual choices. Rather, they represent a sample of land costs in varying parts of the City. The least expensive were selected because they lie in areas which would (1) least disrupt population, and/or (2) least disrupt the tax base.

The following table shows the seven least expensive, and seven most expensive of the fourteen sample sites surveyed. Each combination contains seven sites at approximately 40 acres per site.

Least expensive:	
Rock Creek Park NW	$3, 500, 000
National Arboretum NE	3, 500, 000
Fort Stanton Park SE	3, 512, 000
Fort Lincoln New Town NE	4, 146, 000
Fort Mahan Park NE	4, 332, 000
Soldiers Home NE	4, 500, 000
Fort Dupont Park SE	4, 500, 000
Total	27, 990, 000
Most expensive:	
Pentworth NW	23, 088, 000
Fort Totten Park NE	22, 967, 000
Brookland NE	13, 394, 000
Spring Valley NW	8, 016, 000
Glover-Archbold Parkway NW	7, 500, 000
Anacostia-Bolling SW	6, 000, 000
Anacostia-Fairlawn Recreation Center SE	5, 266, 000
Total	86, 231, 000

The figures shown above include citizen relocation costs where such relocation is involved. Likewise, a theoretical value is placed on Federal land, although its availability cannot be assured. It should be noted that the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970* (P.L. 91–646) prohibits the acquisition of property for government use without making available both reimbursements and the opportunity to acquire suitable replacement property to those affected by condemnation of land.

Furthermore, zoning regulations in the District require the government to conform to its own rules when construction is planned on non-public land. Thus, any attempt to condemn residential areas for prison construction would require public hearings on a variance request. By custom, similar variances are required for construction on public property.

With regard to the use of public park land, the government is not required to follow its own regulations, although the District has generally done so. A point to be noted is that the District of Columbia does not hold title to major park land within the City. All such land is titled to the U.S. Government, with the District being given varying degrees of right of use. Transfer of land for use in prison construction (in the event park land was used) would be done by the General Services Administration, which would then determine the method of reimbursement. This could range from outright title transfer, to monetary reimbursement, to *quid pro quo* land exchange. Based on past history, the chances of getting anything "for free" are negligible.

Minimum construction costs of seven new facilities alone would cost, depending on the size of population, between $83,000,000 (low LIP projection of 1,300) and $116,000,000 (high LIP projection of 2,400). If the existing capacity at Lorton (2,200) were to be reproduced within the City, a comparable figure would be $109,000,000.

The Lorton Improvement Plan will produce a capacity of 2,000, with two expandable facilities should the high projection (2,400) be reached. Construction of these facilities within the City would cost a minimum of $100,000,000. However, other factors could raise these costs as much as $16,000,000.

These include:

Engineering, industries and supply facilities (these facilities presently exist at Lorton, but not in D.C.)	8, 000, 000
Additional site work	4, 000, 000
Forecasted additional expense of construction within the District	4, 000, 000
Total	16, 000, 000

Therefore, it would appear that the most reasonable figure to use would be $116,000,000, since this figure would incorporate the correctional facility design in the Lorton Plan plus the additional funds shown above.

In summary, the three new facilities envisioned in the Lorton Improvement Plan called for one institution having a 200-man capacity and two having capacities expandable from 200 to 400 men. If the hypothetical D.C. institutions are projected as being of basically similar construction,and it is further projected that two 200-man facilities, two expandable facilities, and three institutions with a 400-man capacity will be erected, the capacity as stated above would be 2,000.

Construction costs for 7 new institutions based on cost estimates for proposed new facilities in the Lorton improvement plan

2 200-man facilities at $6,857,000 each	$13, 714, 000
2 200-man facilities at $7,802,000 each	15, 604, 000
3 400-man facilities at $13,714,000 each	41, 142, 000
7 individual kitchens	3, 444, 000
7 heating plants	7, 147, 000
Sewage collection systems	955, 500
Storm sewer, water, power	2, 168, 000
Site work	8, 004, 000
General conditions	1, 575, 000
Contingency	4, 314, 000
Construction services	9, 002, 000
Equipment	931, 000
Warehouse space	525, 000
Training academy	724, 500
Correctional industries building	6, 750, 000
Total	116, 000, 000

The sum of the estimated construction cost ($116,000,000) plus the estimated land acquisition cost ($57,000,000 [1]) indicates an additional $103,000,000 would be needed. This computation is shown below:

Cost estimate and fund availability

Construction cost estimate	$116, 000, 000
Land acquisition cost	[1] 57, 000, 000
Total	173, 000, 000
Available capital funds	−55, 000, 000
Proceeds from land sale	−15, 000, 000
Total	70, 000, 000
Additional funds needed	103, 000, 000

[1] Land acquisition costs for the fourteen sample sites ranged from a low of $28 million to a high of $86 million. The $57 million is a median of this range.

It should be noted also that these figures do not include the relocation of the Rehabilitation Center for Alcoholics operated by the Department of Human Resources, the Rifle Range used by both Corrections and the Police Department, or the landfill that is used by not only the District, but Fairfax County.

Perhaps one of the most drastic affects wold be the impact on the debt service limit. Beginning with FY 1976, capital financing in D.C. will be accomplished through the issuance of municipal bonds. The District will be restricted to a yearly debt service limit (principal and interest) of fourteen percent of anticipated revenues.

The total increase in the District's debt service availability through 1981 is anticipated to be $43,000,000 to $46,000,000.

The Department of Corrections does not plan to start any new projects requiring additional funding before 1980. However, the need for $103,000,000 to help finance a major relocation project would mean that a minimum of approximately $7,000,000 in debt service would be required annually between 1978 and 1981. Thus, Corrections would bite heavily into the uncommitted balance of the debt service availability. New projects associated with school, library, fire, etc., construction would be drastically affected, and some existing Capital Improvement Project plans might have to be cancelled.

As the Scott Bill is now written, the problem of transfer would become that of the Attorney General if the District does not provide facilities by 1978. In that event, the Attorney General would also have to find $103,000,000 to build similar facilities. (This assumes the $55,400,000 in District Capital Funds would be transferred to the Department of Justice.) In all likelihood, the Attorney General would not opt for this alternative.

The most probable recourse would be the transfer of D.C. prisoners to Federal institutions (despite, as indicated in earlier testimony before this Committee by the Director of the Federal Bureau of Prisons, the added burden this would place on a system that is already overcrowded by approximately 2,000 inmates).

If the District did transfer inmates to Federal facilities, it would still need to operate a Jail, maintain a Community Services Program, and have a minimum support unit, as well as administrative capacity. The Federal transfer, due to programmatic differences, as well as lower costs ouside the D.C. area, could save up to $2,000,000 in annual operating costs. However, it would also mean that the District would lose $55,000,000 in existing capital funds. In addition, the New Detention Center, now under construction, would have to be enlarged. This is because the Center presumably would hold sentenced inmates for a longer period of time before they are sent to their ultimate destination. The cost to enlarge the Center is undeterminable at this time, but would surely be significant. From an operation standpoint, added staffing would be required at the Center.

As a result of these observations on the financial impact of the proposed Bill, it must be concluded that the cost would be extraordinarily high. It would most certainly be disastrous for the District of Columbia Government, and would have substantial effect on the entire long-range capital improvement program.

Criminal justice system

The financial impossibilities of this Bill are evident. The Bill stipulates that the only funds to be made available, in addition to the Lorton Improvement Program funds, are those to reimburse the District for the sale of land at Lorton (plus whatever can be obtained for facilities).

The stringent time limits of the Bill (December 31, 1977—only 2 and ½ years) also demonstrate the impossibility of establishing alternative facilities in the District by 1978. This is made obvious by the fact that the construction of the New Detention Center alone has already required over four years of intensive planning to secure funding, select an appropriate site, design, and build the facility. The actual transfer of prisoners is not anticipated until January 1976, at the earliest. And this is just one detention facility with an expected capacity of only 960 detainees. The Scott Bill envisions the replacement of institutions which serve 2,000 sentenced persons.

These constraints, therefore, mandate the transfer of District prisoners to the Federal Bureau of Prisons. In Mr. Carlson's statement before this subcommittee on June 10, 1975, and in numerous other public pronouncements he has repeatedly expressed his and the Department of Justice view on this issue: it would not be possible (nor desirable) for them to assume or supercede the responsibility of local authorities for D.C. sentenced prisoners. The Federal Bureau, at this time, is operating at approximately 20% over capacity—and to accept all commitments from the District would place a demand on the Bureau far beyond its capacity.

The thrust of modern penology across the nation has been towards community reintegration of offenders—an idea which demands the support and concern of the community. The D.C. Department of Corrections has been a leading proponent of this philosophy, as evidenced by its extensive community program. The program begins in the institution with work, vocational and educational furloughs, and expands into the community with its nine community correctional centers for those sentenced persons within six months of their parole date.

The fact that the institutions are only twenty miles from the District has greatly enhanced the Department's ability to have a viable community program linked to the institutions. It has enabled institution residents to maintain healthy community ties with family and friends, which is essential to successful reintegration of the offenders upon eventual release to the community. The alternative proposed in this Bill would be to transfer D.C. prisoners to widely scattered, overcrowded Federal Bureau of Prisons facilities. This would seriously disrupt community contacts and force the District to abandon its community outreach programs. It would deprive District prisoners of the valuable services and contacts afforded them by various volunteer projects such as Man-to-Man, LAWCOR, and other local legal aid projects, all of which are offering their services to the men confined at Lorton.

Besides eliminating this key element of the D.C. Department of Corrections' program by placing D.C. prisoners under the jurisdiction of the Federal Bureau of Prisons, it would result in a minimum loss of 955 Lorton Institution positions, 723 of whom are Northern Virginia residents. Between 1000 and 1200 positions might have to be eliminated, leaving only those needed for the New Detention Center, administration, support and Community Services, or some lesser combination.

Futher complications would arise with the absence of a nearby sentencing facility. This would create a logjam at the New Detention Center, for which neither construction nor staffing has been planned. The forced use of the New Detention Center as a catch-all for sentenced prisoners and the dispersion of inmates across the country would have a detrimental impact on the entire D.C. Criminal Justice System—courts, corrections, attorneys, law enforcement officials, and parole. This action would create serious overcrowding at the New Detention Center—a situation which it was specifically built to remedy, not to perpetuate.

Adjudication of all post-sentencing suits would be extremely complicated, prolonged and expensive to process, due to the extensive travel involved. Dispersion of D.C. prisoners would also complicate the parole process. Prisoners' parole eligibility would be determined by the review board of the institution to which they were transferred. But, upon release to parole, they would be responsible to the D.C. Board of Parole, thereby introducing further fragmentation of accountability. Dispersion will have both subtle and devastating impact on the rights of offenders, just by merely introducing a geographical isolation which currently does not exist at Lorton. The difference between being twenty miles from their hometown while at Lorton and hundreds of miles away in Kentucky, Illinois, Colorado, or Connecticut induces a psychological difference more than just the miles involved. Appeals will become more difficult, and affordable legal counsel familiar with D.C. law will be hard to obtain. With few exceptions, community programs will be irrelevant in aiding reintegration into the community; in many cases family visitation will be impossible; and many local services now offered by the D.C. community will be inaccessible. If the Scott proposal is adopted, these disruptions, both personal and organizational, are inevitable.

Even if it were possible to avoid the transfer to the Federal Bureau of Prisons, it would necessitate finding at least 300 acres of City land to reconstruct Lorton. As a result of the scarcity of land, none of which is to be found in large tracts, several different parcels would be needed to duplicate the current security, housing, and rehabilitative services offered at Lorton. Because of such decentralization of Department facilities, the operating costs would be exorbitant—after the acquisition of sites and construction of the facilities which are already estimated to cost $173,000,000.

The security and rehabilitative aspects of the correctional process have developed around a viable physical plant, and the entire process is highly interdependent. It is evident that a move into the District would result in a total transformation of the physical correctional structure, and, consequently, of the treatment process.

The full impact would become apparent in the measured effectiveness of correctional programs in the years following such a move. Several examples of such relocation problems would be: (1) The difficulty of restructuring a coordinated inter-institutional educational, counseling, therapy, and vocational training program. (2) The problem of decentralized medical service delivery to seven separate facilities. (3) The logistical difficulties in reproducing a workable Department-wide system of supply and storage to maintain large-scale purchasing power, transportation, communications and property control. (4) The factors involved in locating and maintainig a profitable and productive prison industries program.

Because of the many factors militating against the relocation of the Lorton institutions in the District—time, fiscal and land limitations—the inevitable result of this action must be transfer of D.C. prisoners to the Federal Bureau of Prisons. The subsequent costs of the disruptions to the Criminal Justice System will be borne solely by the District at a disproportionate price for the questionable goals this Bill seeks to attain. There are no sound correctional reasons behind this proposal and the ends of justice are not served by it.

The metropolitan region

Fairfax County and the State of Virginia have admitted to several motivations for wanting to acquire the Lorton Reservation. Security remains the ostensible reason. However, an April 1, 1975 letter from Ms. Jean R. Packard, Chairman of the Fairfax County Board of Supervisors, to Senator Scott, urges that the land be given to the County rather than sold, and says that "we could not only provide much needed recreational facilities, but there would be the opportunity of providing some moderately priced housing." She explains that "Lorton is located in the area of the County which is slated for intensive development within the near future." Alternatively, the land would be added to Northern Virginia's open space holdings—undoubtedly a boon for Northern Virginians, but achieved at great cost to District residents. If Burke Lake, Accotink and other area parks are not sufficient for Fairfax residents' recreation, there is ample undeveloped rural land remaining elsewhere in the County.

Present agreements between Fairfax County and the District concerning recreational and landfill uses on the Lorton Reservation were not addressed at all. 801 acres have been set aside for use as a regional resource recovery, land reclamation and recreation complex. Under a proposed agreement, 398 acres are specifically designated for recreational uses and are to be administered by the Northern Virginia Regional Park Authority. The area covered by the landfill/park agreement represents about 27% of the entire Reservation.

The legislators of the State of Virginia also have been mobilized to consider what use can be made of the Reservation. On January 14, 1975, by Joint Resolution (No. 103) they created a "Commission on the Acquisition of the Lorton Reformatory Facility." Purchase for parkland is again a consideration, but there is also the possibility of using Lorton facilities as a medium security facility to relieve the presently beleaguered and overcrowded Virginia State corrections system.

Other than recreational or correctional uses, a third alternative is that the land may be sold to private real estate developers. A water transmission main is already available. If it is assumed that 20% of the land would be put to

commercial and public use, then the remaining land could be divided into nearly 4,000 one-half acre dwelling unit lots.

If the land were publically sold for the $15,000,000 currently estimated by Fairfax County to be its fair market value, then a profit of nearly $10,000,000 could be realized on the subdivision and improvement of the land alone, not including profits on the sale of homes.

Land development of this type and magnitude would have a substantial negative tax impact on Fairfax County, according to Ms. Packard. The services and facilities required would impose a substantial burden on local taxpayers.

Ms. Packard seems to object to the imposition of such a tax burden on her constituents. She also objects to the possibility of State or County purchase of the land. Instead she proposed that Fairfax residents "now * * * should have the opportunity of realizing some benefit from * * *" this land in their County without *any* cost to them.

The problem with the Scott Bill, no matter to what use the Reservation is put, is that the resultant social and economic costs involved are placed squarely on the District of Columbia and its citizens.

The current extent of land development within the boundaries of the City presents some rather critical problems with regard to the compatibility of correctional institutions with current District land use. A considerable social geographic disruption can be anticipated.

Given the scarcity of available land within the City and the high cost of land acquisition, it could reasonably be expected that the individual institutions, should they be constructed, would lack sufficient buffer zones between themselves and surrounding public and private facilities. From the point of view of surrounding homes, businesses, or public facilities, this would understandably be an intolerable situation. The institutions themselves, if they were forced to conduct their operations without adequate buffering from outside facilities, would find their own programs hampered. The introduction of contraband, for example, would become much more of a problem if private citizens were permitted to approach the perimeter of an institution. Disturbances and escapes also would present a much greater problem, both to private concerns immediately adjointing the facility and to the institution, which would have its mobility beyond the perimeter severely restricted.

While the need for buffer zones around institutions is a necessity, the cost of such additional land in financial and social terms would be prohibitive. Not only would it force an extreme escalation in acquisition cost, it also would engender strong disruption of area businesses, residences and transportation.

The acquisition of land for use as a buffer zone only compounds the major problem of acquiring land for the institutions themselves. Studies of various sites within the City generally show a pattern of obstacles which center around the incompatibility of such projects with current or planned land use. The degree and type of development within the City, and hence the cost of land, militate against such a relocation.

The District found, in land samples studied prior to the construction of the New Detection Center, that even its most promising site possibilities suffered from severe acquisition cost problems or from incompatibility with actual or intended land use.

Recently, the District surveyed 14 sites within the City for the purpose of assessing the impact of a transfer of the Lorton facilities in terms of acquisition costs, population dislocation, and long-term disruption of the City's tax base. Again, the extent of residential, commercial, and public use development within the City presented the major obstacle. Sites which met the criteria of least cost and least population dislocation did so at the expense of 300 acres of existing City park land. The survey also indicated that, should it become necessary to move into the City, considerable condemnation of existing residential areas could be envisioned, and that even the least expensive combination of sites would be financially prohibitive.

The possibility of using Federally controlled areas of the City for prison relocation has been considered. The impact on the City's tax base and the relocation costs would be minimal. The problem is that the Federal Government is predictably not inclined to agree with such a proposal. In the first place, City

land under Federal control is currently either highly developed with facilities, or is slated for such development. Acquisition of land under the control of a Federal agency, such as the National Park Service, is generally on a *quid pro quo* basis. Needless to say, there is very little, if any, land within the City which would be considered an acceptable trade-off for park land.

Given the possibility that at least two major prison facilities could be constructed in each quadrant of the city, it would in all likelihood have an adverse environmental impact on adjourning areas. The correctional presence would be overwhelming. Other environmental factors such as sewer availability and capacity would have to be considered.

The inclusion of the separate heating plants for each institution would require expensive anti-pollution devices in order to minimize the impact of these facilities upon air quality. The Prison Industries location would present similar problems.

The greatest single impact upon the environment would be the loss of available park and recreational areas. Given the monetary and human costs associated with condemnation of existing residential areas for use in prison construction, it would appear that the only option left open for in-city construction would be to locate facilities in existing park and recreational land. There are few who will deny the importance of the park and recreational areas of the City as a major contribution to the quality of urban life. One can only imagine the damage caused by conversion to prison use.

Substantial zoning issues will have to be resolved should the District be required to relocate its facilities. If construction were to take place on land which is currently controlled by the Government, these problems would be minimized. However, given the possibility that extensive housing and business condemnation would have to occur to accommodate construction, there would have to be similarly extensive variances granted for the location of the institutions. These would require extended public hearings.

The conversion of District land into correctional facilities, depending on final site location, would decrease the tax base of the City. In addition, it would decrease, by the amount of land used, that which would be available for either public or private use and development. As noted previously, nearly any site within the City is going to be incompatible with current land usage, and most sites chosen will clash with some residential, commercial, church, school, or government development plans. Thus, it is only to be expected that community reaction to any sites which might be selected would be severe.

In effect, what is contemplated by the Scott Bill is a major change in regional land use. Over a period of time, the correctional facilities at Lorton have increased in number and size into a complex which, from the perspective of Fairfax County residents, has had an extensive and unforeseen impact. But these residents are physically separated from the prison facilities by large expanses of land.

Contrast this with the situation which will pertain should the Scott Bill become a reality. What now exists in well-disbursed fashion on 3,000 acres, with ample room for ancillary functions, would be jammed into 300 acres of the District of Columbia. Under the latter condition, security concerns of nearby residents will grow in geometric proportions because of proximity. Homes and businesses would have to be condemned or park land traded off. In their place would be created an all-pervasive correctional presence. The simple fact of the matter is, that despite security fears, the land use itself is basically compatible at Lorton; it is incompatible in the District of Columbia.

Naturally, Fairfax County would like to get rid of a large tax-exempt piece of property. However, this is a basic fact of life for all jurisdictions in the Metropolitan area which draw their basic subsistence from the existence of the Federal Government and the many national and educational organizations which are headquartered in the Washington region. Half the land in the District of Columbia itself is presently tax-exempt.

The departure of the D.C. Department of Corrections from Virginia would leave in its place a land vacuum that would have to be filled. Whether it will be replaced by residences, business and industry, recreation use, another prison facility, or moderate income housing, is, at present, indeterminate. No planning has been done in this regard—only thinking out loud. The full impact is

unknown either by Virginia or Fairfax County. In any event, one thing can be said for a certainty: The District of Columbia is being asked to pay an extraordinarily high toll so that Fairfax County can fulfill an as yet undecided "want list."

From the standpoint of the Metropolitan region as a whole, it is simply ludicrous to envision the very possible outcome that urbanized Washington will have to trade off its park land so that semirural Fairfax County can acquire more open space. The entire transaction has not been examined on a regional basis. It has not been compared with the regional plan. In fact, there has been no planning at all. Instead of considering the matter from the standpoint of what benefits the Washington Metropolitan Area as a whole, it has been approached on a negative, provincial, and parochial basis. The Scott Bill is of no benefit to Metropolitan Washington, and it is certainly not designed to engender regional cooperation and a spirit of good will.

AN ALTERNATIVE

What is to be done? The District believes that when the Subcommittee takes a full view and looks at the long-term impact of this Bill, it will be voted down. This position paper has attempted to supply a balanced, long-range perspective.

In review, the inevitable Federal takeover which would result from the passage of this Bill would eliminate one of the few truly community-oriented prison systems in the country. This move is contrary to modern correctional theory, and clearly represents a regressive step for corrections.

The Bill's net effect on Northern Virginia is unforeseeable, indeterminate, and unplanned. For Fairfax County residents, it may create added public open space, or it may benefit a few developers. But its potential effect on the District is known: It will impose a severe hardship on the District—its citizens, its government, and its criminal justice system. Ultimately, it will be a disservice to the metropolitan area because it makes regional cooperation that much more difficult and distant.

Of most immediate concern to the District is that the Bill forces the City of Washington to pay an atrocious financial and social price—for what? The only benefit accruable to the District would be the elimination of the constant political drumbeat from Northern Virginia. Followed to its logical conclusion, the Bill has one jurisdiction imposing an undue burden on another; one political unit feeding on another.

It should be noted that this is just one more in a series of similar attempts by Senator Scott to remove the correctional facilities from the Lorton area. His first Bill, S. 375, was defeated on July 10, 1973. His later attempt to amend the Home Rule Bill also failed, on January 30, 1974. One wonders if his bills and the various suits have achieved any good purpose.

There is a better way; this is the route of regional cooperation. Regionalism is no longer simply an idea or an ideology; it is a necessity. It has been used in sanitation, park planning, and transportation in the local area. It has found its expression in the field of corrections in terms of periodic regional conferences and the interstate compacts on detainers and parole supervision. In order to deal with our common problems in corrections, in the future, expansion of past cooperative efforts is mandatory.

The concept of "community" corrections is relevant here. In its narrowest sense, it refers to correctional programs within the community of free citizens. In a larger sense, it refers to sentencing placement in locations accessible to the prisoner's family, where the beneficial effects of the home environment can still have an influence. In this context, it can be termed "community outreach."

From the perspective of regionalism, it becomes irrelevant in which particular jurisdiction the facilities are located. Shrinking resources and "accelerating" mobility make such consideration parochial and unproductive.

Corrections, in this day, is truly a metropolitan *area* problem which can best be addressed on a regional basis. In order to facilitate community outreach efforts, conditions need to be created permitting prisoners to remain close to their place of residence within the metropolitan area, regardless of the specific

political jurisdiction. This is the central thrust of community corrections. This is the direction that should be taken.

Wall building and parochialism must end. Adverse bills and suits do not foster regionalism and are inconsistent with the spirit of cooperation which has led to past achievement in the history of Fairfax-District relations.

The uniqueness of the District of Columbia, both geographically and politically, necessarily creates situations not faced by other jurisdictions. The District's physical limits necessitate placement of some facilities outside the corporate boundaries. The continued lack of any voting representation of the District in Congress apparently has been taken by some as marking it as an easy target, one without so-called "political clout." In fact, the many socioeconomic problems facing the political machinery of both the District and Virginia—and Maryland for that matter—*require* mutual cooperation and an end to interjurisdictional fighting.

Disagreements there are, and will be, but concentration should not be focused primarily on divisive issues and measures. Should this focus continue, the Washington Metropolitan Area may shortly find itself in a truly chaotic situation, with no sound historical base from which amicably to work out differences.

The Greater Washington Metropolitan Area is a viable regional entity. There are those in the region who would deny the existence of mutual dependence, but this does not change the fact. Bills such as the Scott Bill succeed only in increasing tension between the jurisdictions and in distracting the public from the substantive correctional issues. Certainly, the Scott Bill does not pose a realistic solution responsive to the metropolitan community at large. The approach is piecemeal and destructive to the larger whole—much like applying a tourniquet to the neck in hopes of saving the head. Given the uniqueness of the Washington Metroplitan Area, the only alternative is regional cooperation. Solutions, in order that they be viable, need to be sought through mutual efforts and respect. How much time can be wasted on counterproductive debate while the issues mandating cooperation remain not only unresolved but unapproached?

Appendix I

Chronology of Meetings Between District of Columbia and Fairfax County

September 13 –October 1, 1972.—Exchanges occurred between Fairfax County Executive Kelley and Mayor Washington on security at Lorton.

January 3, 1973.—State of Virginia filed complaint against the District over security at Lorton.

February 2, 1973.—Meeting is held with Attorney General Miller on security measures.

March 7, 1973.—Meeting held between Mayor Washington and Fairfax County Board of Supervisors on security measures.

April 19, 1973.—Letter from Delbert C. Jackson, Director D.C. Department of Corrections to Jean Packard, Chairwoman, Fairfax County Board of Supervisors on escape warning siren installation at Lorton.

September 9, 1973.—Meeting between William D. Golightly, Assistant Director for Administration and Fairfax County fire officials on technical matters.

January 4, 1974.—General meeting on security, legal jurisdiction, sewer and fire protection matters. The LIP was introduced at this meeting.

January 18, 1974.—Second meeting on fire protection problems.

April 4, 1974.—Third meeting on fire protection problems.

April 10, 1974.—Letter on siren location from Mr. Jackson to Mr. Wilson, Fairfax County Executive.

June 26, 1974.—Meeting between Mr. Wilson and Department executive staff on the LIP, fire, police and sewer services, and on the burning of coal at Lorton.

September 26, 1974.—C.O.G. meeting including Fairfax staff (Harmon) on fire, police, sewer, water and security.

October 23, 1974.—Letter and information package from Mayor Washington sent to Ms. Packard, Chairwoman, Fairfax County Board of Supervisors. Material covered security improvements, the LIP, and pollution control measures.

December 6, 1974.—Council Of Governments (C.O.G.) meeting with Mr. Wilson on details of a Memorandum of Agreement between the District of Columbia and Fairfax County.

December 13, 1974.—Mayor Washington announced his full support of the Memorandum of Agreement at meeting with Fairfax County Board of Supervisors.

January 14, 1975.—Letter from Mr. Wilson to Mr. Jackson in response to April 10, 1974 letter on warning sirens' location.

January 21, 1975.—Statement by Mayor Washington on support for the LIP, and the Memorandum of agreement.

January 24, 1975.—C.O.G. meeting at which Chairwoman Packard agreed to the proposed improvements outlined in the Memorandum of agreement. She set a February 24, 1975 deadline for action by the Public Safety Committee of D.C. City Council.

February 19, 1975.—Letter from Ms. Willie Hardy, Chairwoman, Public Safety Committee to Ms. Packard supplying a timetable for implementation of measures endorsed by Ms. Packard in the Memorandum.

March 1, 1975.—Construction of double perimeter fence line and road already begun at estimated cost $1.5 million.

March 11, 1975.—Commonwealth Attorney Miller dropped Virginia State suit in recognition of District good faith actions—including both capital and managerial improvements.

March 12, 1975.—Senator Scott introduced S. 1243 to phase out the Lorton Reservation by 1978.

April 1975.—Fairfax County broke off negotiations on the proposed Memorandum of Agreement.

May 21, 1975.—Fairfax County Board of Supervisors files nuisance suit demanding expulsion of District facilities from Lorton and monetary relief for alleged damages.

Appendix II

Categories of Escape

The D.C. Department of Corrections' Security Office regularly records all categories of escapes. Its latest report covers the period July 1, 1973 through June 22, 1975. This paper defines and explains the categories used.

1. A *perimeter escape* involves leaving a medium or a maximum security institution by force, stealth, or deceit. These include escapes over or under a fence or wall, escape by concealment in a vehicle, or leaving by posing as a visitor.

2. *Absconds* are, for the most part, walkaways from a non-fenced, minimum security setting, though they also include walkaways from work assignments outside an institution. Almost all absconds are from Community Correctional Centers (CCCs) within the City. More often than not, these CCC residents return voluntarily within a short time.

3. *Escapes from escorted trips* involve leaving the custody of Department staff who have been assigned to accompany residents into the community for educational, cultural, or social (hospital visit, funeral) purposes.

4. *Furlough absconds or escapes* refer to cases in which a resident with minimum custody status has been granted permission to be in the community, unaccompanied by Department personnel, and has failed to return within two hours or his due time. Many of these men are simply late returning.

The public is concerned about perimeter escapes, and these have been reduced significantly over the past three years. Unfortunately, the manner in which Department escape statistics have been reported has led many persons to believe erroneously that these walkaways and late returns are those of "armed and dangerous" desperados. In fact, only 6.35% of all incidents reported as escape involve the breach of a perimeter.

D.C. DEPARTMENT OF CORRECTIONS, SECURITY OFFICE, ESCAPES

FY and institution	Perimeter	Escort	Furlough	Absconds	Total
1973:					
Jail	11	1	0	0	12
WDC	4	1	1	0	6
Central	29	18	8	1	56
Maximum	0	0	0	0	0
Minimum	0	3	21	[1] 4	28
Youth center No. 1	3	1	1	0	5
Youth center No. 2	8	0	4	0	12
Community Services	0	0	0	246	246
Total	55	24	35	251	365
1974:					
Jail	0	1	0	0	1
WDC	0	0	1	0	1
Central	7	19	21	0	47
Maximum	0	0	0	0	0
Minimum	0	4	56	[1] 3	63
Youth center No. 1	7	3	4	0	14
Youth Center No. 2	1	0	7	0	8
Community Services	0	0	0	203	203
Total	15	27	89	206	337
1975:					
Jail	2	1	0	0	3
WDC	0	0	0	0	0
Central	3	1	7	0	11
Maximum	4	0	0	0	4
Minimum	0	3	17	[1] 4	24
Youth center No. 1	7	0	1	0	8
Youth center No. 2	0	1	2	0	3
Community Services	0	0	0	205	205
Total	16	6	27	209	258

[1] Denotes walkaway.

Appendix III

D. C. Department of Corrections Response to General Accounting Office Report B–118638 "Better Management for Tighter Security at Lorton Correctional Institutions" and Report on Current Status

INTRODUCTION AND BACKGROUND

The General Accounting Office, at the request of Congressman Stanford E. Parris, began a year-long audit of the Department in June 1973. The purpose of the audit was to look into the Department's security management at its Lorton Complex.

The Department developed careful procedures to assure availability of staff and records to GAO personnel. These included naming the Department's Office of Planning and Program Analysis as liaison for the investigation. Literally thousands of manhours were devoted to this task in order to assure that the investigators would be able to have a complete picture of Department operations, including the severe handicaps under which it functions in order to accomplish its paradoxical mission of administering court imposed punishment, and developing rehabilitation programs.

The Department was motivated by its desire to be a responsible and responsive agency, and by its desire to benefit from a supposed review of its operations. The Department has long endured, even welcomed, the sometimes painful probing of the many investigative bodies that have analyzed and criticized its operations. It has done this in hopes of thus getting some degree of advocacy of Department goals, the attainment of which must be shared by the entire community. Quite often the Department has reaped great dividends from this desire for shared responsibility, which was the inevitable result of concerned and conscientious questioning of the Department, its goals, and the means for obtaining them.

The Department even stood patiently mute when the alleged contents of this GAO report were prematurely made public. It did so hoping that the final

report would offer some positive criticism concerning Department operations along with the more acerbic comments found in politically motivated reports.

No wonder then that the Department was aghast, dismayed, and disappointed at the paucity of findings. The slim (42 pages) document hardly seemed worth the monumental investment in manhours by GAO and the Department. The careful reader will find that the report, while attempting to raise the issue of mismanagement, really fairly well documents how the department continues to live with the persistent lack of resources.

The overall negative tone to the GAO report appears to be due to their limited perspective about the goals of corrections. Thus the report discusses security, which is properly the foremost correctional goal. But the underlying assumption in the report seems to be that prisons exist solely for custody and discipline. For example, in its description on page 12 of the Federal Youth Corrections Act, the report indicates an unawareness that Congress intended the Youth Act to be a rehabilitative sentence; corrections has a mandate to do more than merely keep youths in custody.

Similarly, Congress has endorsed the rehabilitative goal for adults by establishing laws authorizing Community Correctional Centers, work release, and furloughs. Yet nowhere in the GAO report is there an acknowledgement that the Department is seeking to meet these mandates. The GAO report measures the Department only by the criterion of security.

The Department has taken solid steps as listed in Appendix I on page 33, to increase its security. These steps demonstrated some success. With this fear reduced, it is hoped that the Department will in the future be judged on how well it meets its rehabilitation mandate as well as its security obligations.

Therefore, this paper is presented in order that the concerned citizen-reader will have a balanced perspective of the Department. It deals with the criticisms and recommendations of the GAO report, and details the progress the Department has made in managing its institutions and programs. It also offers a clarifying analysis of the data used in the GAO report.

The Director of the Department of Corrections organized a task force comprised of four management staff to analyze and evaluate the GAO report. This paper is the result of their intensive work during July and August, 1974.

GAO ALLEGATIONS

In its report to Congressman Parris concerning the Lorton Correctional Institutions (Report B–118638), the GAO states that correctional security has been inadequate due to administrative mismanagement. GAO cites five areas where security is allegedly inadequate: 1. escapes from institution perimeters, 2. escapes from furloughs, 3. escapes from special community programs other than furloughs, 4. narcotic surveillance, and 5. contraband control.

GAO presents five criticisms in its attempt to substantiate its thesis that the security deficiencies are due to administrative mismanagement. These five criticisms are:

1. the Department's interpretation of P.L. 89–176, 18, U.S.C. 4082. This statute authorizes the release of sentenced inmates from correctional institutions for specific time periods and for specific purposes. GAO claims that the Department's interpretation of the statute is "injudicious."

2. alleged inconsistent and inadequate procedures for selecting participants for furloughs and/or special community programs,

3. inadequate supervision of men who participate in such programs,

4. inadequate preventive action, particularly in detecting contraband and in administering narcotic surveillance,

5. inadequate communication between the Department's executive staff and its operating units; thus the executive staff purportedly is not aware if its directives are being carried out.

DISCUSSION AND ANALYSIS OF GAO RECOMMENDATIONS

The GAO report identifies a number of problems experienced by the Department in the period from July 1970 through December 1973. However, the Department must express its disappointment with some aspects of GAO's analysis of the data. It frequently is not in sufficient detail to present an accurate picture, and thus the report's conclusions are more negative than the data justifies.

For example, on page 6, GAO states that the Department granted 5,929 leaves in FY 1972, and 8,738 in FY 1973. On page 3, it noted there were 80 "escapes" from such leaves in 1972 compared to 61 in 1973.

A more rigorous analysis by GAO would have noted that in 1973 there were 2,854 more opportunities to escape than in 1972, and that there were 19 fewer escapes from such opportunities. Or stated another way, in 1972 there was one escape out of every 74 opportunities (5,929/80) compared to 1973 when there was one escape out of every 144 opportunities (8,783/61). Thus in 1973, the Department lowered its failures on furlough both relatively (number escapes per opportunity), and absolutely (19 fewer escapes). Certainly this shows success in management which is not acknowledged by GAO.

There are other instances where the data is not as damaging as the report implies. Some specific examples are:

On page 2 the report states that while institution population declined in 1973, the number of *all* escapes (furloughs, perimeter, etc.) did not. This is true. The amount of increase, however, totaled 6 more escapes in 1973 than in 1972, a rather small increase when one considers the larger number of opportunities in that year.

On page 3, the report notes that nearly half of the perimeter escapes were from Minimum Security despite the fact that the table on the same page shows how escapes from that facility declined over the three year period. No comment is made on the improvement.

On page 3, it is noted that perimeter escapes from the Central Facility increased from 9 in 1972, to 29 in 1973. A casual reader could erroneously conclude that 29 separate breaches of the perimeter took place in 1973. In actuality, the table on page 3 reports the number of men who escaped, not the number of breaches. Overall there were 10 breaches in 1973 of the Central Facility perimeter. The Department acknowledges, however, that 10 breaches, or even one, is not acceptable.

Table No. 1 summarizes the Department's security record for the Lorton institutions for fiscal years 1971 through 1974. The table illustrates that:

1. The average daily institution population increased in 1972, peaked in 1973 and declined in 1974.

2. The number of escapes from institution perimeter, including unfenced Minimum Security, were highest in 1971, declined in 1972, rose again in 1973 (when institution populations were greatest), but declined greatly in 1974. The 1974 decline is attributed by the Department to two factors: declining institutional population and the corrective actions to tighten perimeter security that are described on page 24 of this report. A chi-square test was employed to determine whether the drop in the number of 1974 perimeter escapes was related to the security improvements. The test compared the prior history of escapes in 1971, 1972, and 1973, together to the number in 1974. The test results clearly indicate that the lower incidence of escapes in 1974 resulted from changes in security procedures. (Chi-square statistic computed was 13.81, significant at the .01 level.)

3. The Department's record of escapes from authorized absences (i.e. furlough) has declined steadily since a 1971 high of 3 escapes out of every 100 furloughs granted, to approximately 2 escapes out of every 1,000 furloughs. The lower percentage of escape occurred despite the tremendous increase in the number of furloughs granted (1,352 in 1971; 38,369 in 1974). This simultaneous increase in the number of furloughs granted and the lowering of the percentage of escape indicates improved management of the program by the Department. Results of a chi-square test (such as the one performed on perimeter escapes) indicated that there was a relationship between the institution of stricter controls on furloughs and the reduction in escape incidents (chi-square computed was 30.57, significant at .01 level). The Department believes that a failure rate of 2 out of every 1,000 opportunities should be construed as a norm or baseline percentage by which the furlough program can be judged. That is, it is the Department's belief that, considering the type and number of inmates permitted to go on furlough, a failure of two out of every 1,000 furloughs represents an acceptable level of risk to the community, a risk that does not significantly endanger the safety of the public.

4. The Department's record for escorted trips indicates that only in 1972 did escapes reach 1% of the total granted. Again, for 1974, it can be seen that there was a 100% increase over 1973 in the number of escorted trips granted

(and almost 250% increase over 1971), and a corresponding dramatic reduction in the proportion of escapes, which indicates increased managerial effectiveness. Again, chi-square test results indicate a relationship between policy change and a reduced number of escapes (chi-square computed was 19.90, significant at the .01 level).

The table does not contain one additional information item. Of all those who escaped in FY 1974, only 6 remained at large at the end of the fiscal year.

TABLE 1

	1971	1972	1973	1974
Average daily population	1,994	2,354	2,427	2,016
Perimeter:				
Number of escapes	42	26	46	[1] 18
Percentages	.021	.011	.019	.009
Furloughs:				
Number of furloughs	1,352	11,832	27,560	38,369
Number of escapes	48	80	61	[1] 89
Percentages	.0355	.0068	.0022	.0023
Escorted trips:				
Number of trips	2,979	2,833	3,747	7,880
Number of escapes	14	29	34	[1] 27
Percentages	.0047	.0102	.0090	.0034

[1] Chi-square significant at 0.01 level.

On page 19, GAO cites three case histories out of a possible 57 to support the contention of mismanagement of a community employment program. But it is an axiom of research that one can select a case to "prove" any hypothesis. In this instance, the Department could have selected three cases to show that the program is successful. Thus, GAO should have examined all 57 cases instead of only three.

The above is cited to demonstrate that a more critical data analysis would probably have resulted in a report that was more accurate in its observations and less negative in tone. Unfortunately, GAO was instructed by Congressman Parris (foreward page) to not obtain the Department's comments, and thus it was denied the opportunity to identify these instances.

GAO listed fifteen specific recommendations for utilizing institution security. Each is discussed below. The number in parenthesis is the page on which the recommendation appears in the report.

1. "We recommend that the Office of Planning and Management maintain a close working relationship with the Department and follow up to insure that the Department takes effective corrective action on the serious management problems revealed by our—and its—reviews." (p. 5)

During the past nine years, the Department has worked closely with OP&M in the development of management procedures. Many of their recommendations have been implemented. Others have not been implemented because of budget constraints. The Department also is initiating action to increase its own management capability. Specifically, the Department is establishing a comprehensive information system that will provide it with data necessary for managerial decisions. This system, which identifies which items of information must be collected and assigns specific reporting responsibilities to individuals, will greatly improve the Department's internal communication. Vital information will reach executive staff without delay, and will be reported in a standard way so that conflicting meanings are avoided. The Department routinely reports critical information to OP&M via the District's PMS, which enables the latter to be apprised of Departmental progress.

2. "We recommend also that the Office of Municipal Audit and Inspections periodically review Department operations to help insure that the operations continue to be efficient and effective." (p. 5)

The Department believes that it is in its best interest to receive periodic appraisals from qualified assessors who are not Department employees. And, frequently in the past, many independent bodies have given the Department valuable advice and information. When it is decided to utilize Municipal Audit in this manner, the Department certainly will cooperate.

3. "(a) Establish uniform and definitive guidelines for all institutions for selecting inmates for rehabilitation leaves of absence, giving due consideration

to the time remaining to serve before probable release. (b) Such leaves should, depending on the reason for release, be for periods no longer than necessary to carryout the leaves' purpose. (c) The policy of granting recurring leaves almost continuously should be evaluated." (p. 21)

The Department disagrees with part of this recommendation. Its disagreement can be summarized as follows:

(a) Due to the diversity in age, purpose of sentence (rehabilitative vs non-rehabilitative), type of sentence (indeterminate vs determinate), etc. of its inmate population, it is the Department's opinion that very rigid criteria is neither possible nor desired. This does not mean that no guidelines should be used, but only that individualized treatment calls for some flexibility in program assignment.

(b) The Director of the Department has the legal authority to designate the Institution in which the sentenced offender will serve. This authority is not absolute in that the law requires the segregation of YCA commitments from adult offenders. But this authority is essential if the Director is to manage the Institutions and programs that comprise the Department. Thus, while general guidelines are essential, the Department wishes to make it absolutely clear that the Director retains the right to make exceptions to such policies when in his judgment there is sufficient justification.

Exceptions, of course, are limited by the letter and intent of the law. The Director has recently received a ruling from the Corporation Counsel regarding proposed changes in the Department's furlough policy, and guidelines can now be issued to the institutions. Nevertheless, the Department does unequivocally state that no guidelines will be issued that would restrict the Director's needed flexibility to operate the total correctional system.

(c) It is difficult to state that time remaining to serve, or type of crime should disqualify inmates for furloughs. Obviously, the Department does not knowingly put in the community individuals who represent a risk, and it seeks to develop more precise criteria for selecting furloughees. But "time and crime" are not totally adequate criteria, since some men serving long terms for serious crime, but who have otherwise demonstrated reponsible behavior, have successfully participated in community programs and furloughs.

The Department believes that authorized absence program abuses have been largely resolved by: more careful scrutiny of program participants, granting of fewer furloughs to some types of residents, particularly residents of the Central Facility, reducing the number of furloughs granted to members of self-help groups, and establishing better monitoring and control procedures for furlough programs.

The Department agrees that these release programs should be evaluated. To that end, the Department is developing a data base and a system for routinely evaluating its rehabilitative programs. It is expected that this evaluating system will be in operation by July 1975.

(d) The Department notes that previous evaluations of the furlough programs have been made and have indicated that the programs are promising. Evidence of this is indicated in the following table which shows that out of 2,197 holiday furloughs, only 3 of 33 escapees remain at large, and only 3 were convicted of new crimes.

TABLE 2

	Number of furloughs	Number of escapes	Apprehended	At large	New convictions
Fiscal year 1972	801	15	15		1
Fiscal year 1973	812	9	7	2	2
Fiscal year 1974	584	9	8	1	

4. "Assess each release program regularly to insure that it is serving a bona fide rehabilitative purpose." (p. 21)

As stated above, all programs will be evaluated routinely as the Department develops its data base and its evaluative capability.

5. "Establish uniform procedures for monitoring the whereabouts and performance of inmates participating in outside activities." (p. 21)

As a remedial measure and to provide constant monitoring of community activities in the future, the Superintendent of Adult Services has assigned two members of the correctional staff to full time duty for the purpose of monitoring the self-help groups' community activities with on-site checking on a day-to-day basis and weekly evaluative reports on the quality of these programs. This coverage has been extended to include both Minimum and Central Facilities, effective August 2, 1974. The officers will report their findings directly to the Superintendent.

6. "Effectively discipline inmates who violate the terms and conditions of release." (p. 21)

In the future, the Department will administer discipline for rule infractions within the guidelines established by divisions of the U.S. District Courts. Through these rulings the court has established requirements for the institutional administration of discipline, requirements that identify the rights of the inmate as well as the obligations of the staff. The Department will abide by the intent of these requirements, if not by the letter of the decisions.

In its report the GAO comments in great detail on the activities of an unnamed inmate and cites this to allegedly illustrate "the weak administration of programs for releasing inmates into the community."

Ordinarily, this would be acceptable and our response would deal with whatever judgments are made about the Department's administration of these programs. However, the GAO details are so fraught with error, distortion and selective use of material that it is necessary to provide the reader with the facts in this case in order to have an accurate account of the inmate's activities and the matters relating to it.

GAO account	*Department records*
"January 3, 1973: Letter from university professor requesting release of the inmate on the following dates:	The letter referred to by GAO requests that inmate be released from 8 a.m. to 5 p.m., "* * * Jan. 5 through Feb. 14, 1973, as follows excluding Sundays."
1. Jan. 5 through 12, including Saturday and Sunday to prepare a cost $80,000 for a D.C. city council member. (Inmate was released from 8 a.m. to 5 p.m. on these dates but the file indicated work had been completed earlier.)	Although it specifically mentions a city councilman by name, nowhere in the letter is there a reference to the sum of $80,000.
2. Feb. 12 throuh 14 to take college level examination program (CLEP) tests. (Inmate was released from 7 a.m. to 8 p.m. on these dates but inmate did not take tests.) A Department classification and parole officer noted on the leave request that the inmate would request permission to attend the university if he passed the CLEP tests.	
(The professor told us the inmate never took the test. In a memorandum to the administrator of minimum security, dated Jan. 15, 1973, the chief classification and parole officer stated, 'It appears to me that (inmate) works out his own time for being out in the community. He checks in to professor once a day or whenever he feels like it, the rest of the time no one knows where he is.' He also said that the inmate made a telephone call to the administrator of minimum security using the profes-	In addition to the portion cited by GAO, the memorandum of Jan. 15, 1973, written by the chief C. & P. officer of the minimum security facility also contains the following information: "Professor (name) stated that residend (name) was recommended to him by one of his students as an available speaker for his sociology classes. Therefore, he did get in touch with Lorton officials and had resident (name) speak to several of his groups. This proved to be quite successful."

GAO account	*Department records*
sor's name '* * * to deceive and obtain community privileges for himself.')" (pp. 16, 17.)	"Resident (name) became more attached to his (professor) office and after seeing (Director of department of corrections) stamp of approval on several written proposals, he (professor) decided not to question his (inmate) absence from Lorton and instead decided to help him (inmate) in his further endeavors. From Jan. 5 through Jan. 12, 1973, resident (name) did present some proposals and professor (name) was to help him with the writing." "Professor (name) stated that resident (name) would come in and out as he pleased, that he could not be responsible for his (inmate) actions because he (professor) had classes to teach. He (professor) said that resident (name) would report to him in the morning and then he would not see him (inmate) again until he (inmate) either came to introduce someone or be on his way to some meeting that he wanted him (professor) to know about. On Wednesday, Jan. 10, 1973, resident (name) brought a lady by the name of (———) to meet (professor). He (professor) was told that she was working with him (inmate) on some proposal at EFEC. He (inmate) also told him (professor) he had a 4-hour interview with Mrs. (name) a day or so ago. On Thursday he (inmate) was to have attended a public hearing on crime at (name) University. I called public relations and learned that there was a public hearing sponsored by the National Correctional Group on Criminal Justice."
"He also said that the inmate made a telephone call to the administrator of minimum security using the professor's name * * * to deceive and obtain community privileges for himself."	The foregoing information would indicate that the inmate did keep the professor apprised of his activities. The statement in the memorandum of Jan. 15, 1973, reads as follows: "With respect to a call made to your office (administrator of minimum security) on Thursday by Professor (name), he (professor) stated that he did not make any call to you, that I was the only one he talked to on Thursday. He stated further that if someone else was making calls to you (administrator) in his (professor) name, he would rather drop his entire association with (inmate) rather than be involved in any elicit (sic) practices." "It appears to me that resident (name) works out his own time for being out in the community. He checks in to Professor once a day or whenever he feels like it, the rest of the time no one knows where he is.

GAO account	*Department records*
	Yesterday's call to Mr. (administrator) was done by Mr. (name), using professor (name) to deceive and obtain community privileges for himself."
	In a subsequent interview with the chief C. & P. officer who wrote the above memorandum, he stated that the above statement was based on the supposition that the inmate made the call to the administrator using the professor's name, rather than on fact.
"February 13, 1973: Request from university professor to release inmate daily, except Sundays, 8 a.m. to 8 p.m. from Feb. 8 through Mar. 8, 1973, 'for the purpose of developing a proposal concerning self-help program coordination at Lorton.' (Inmate was released from 7 a.m. to 8 p.m. on these dates. This was the same project the file indicated had been completed earlier. See comments under Jan. 3, 1973. The request also stated that inmate would receive tutoring in budget-program management from a university student. The student told us that she was a sociology major and could not tutor inmate in budget-program management.) Furthermore, the request stated that the inmate's transportation would be handled by the professor's office and cited the names of three people who would assist in providing the transportation. (The professor said he did not know the people—the inmate provided the names. In a Feb. 12, 1973 memorandum to the Lorton superintendent of adult services a classification and parole officer stated that the professor claims he cannot adequately supervise the inmate during visits to the university and he could not fulfill transportation commitment.)" (p. 17.)	The professor's letter of Feb. 13, 1973, states: "Miss (name), currently working with the National Council on Crime and Delinquency, will tutor Mr. (inmate) in budget-program management. I (prof.) will serve as coordinator for Mr. (inmate) work during this period." One of the 3 persons whose names were listed for providing transportation was on the Mayor's Commission on Food and Nutrition at that time, and the other 2 persons were friends of the inmate who volunteered their services. (Ordinarily, transportation for inmates on furlough status is furnished by members of their families or other responsible citizens in the community who volunteer their services to the inmates.) The Feb. 12, 1973 memorandum referred to by GAO was written by the inmate's C. & P. officer, and does not coincide with the professor's letter of Feb. 13, 1973. The memorandum states: "Mr. (prof.) visited this caseworker on Feb. 9, 1973, when the above subject was discussed in greater detail. Mr. (prof.) claims that he cannot adequately supervise Mr. (inmate) during his visits to the university nor can he satisfactorily delegate this authority to someone else. He was adamant that he cannot fulfill the conditions of transportation. The two letters he has written, one dated December 21, 1972, the other January 3, 1973, according to Mr. (prof.), are not valid at this time—supplemental information will have to be added."
"March 7, 1973: Request from professor to extend inmate's leave for the same purposes stated in his letter of Feb. 13. Leave was extended from Mar. 10 to Apr. 6, 1973, and daily hours changed from 7 a.m. to 8 p.m. to 7 a.m. to 11 p.m. (See above comments regarding propriety of purposes.)" (p. 17.)	The professor's request was for extension of daily hours to 10:30 p.m., not 11:00 p.m. A hand written note on the file copy of the letter indicates that the extension was granted.

GAO account	*Department records*
"March 22, 1973: Report from professor on inmate's progress stated he was close to finalizing self-help proposal and was preparing for CLEP exam. (The professor told us that inmate drafted this statement for progress report.)" (p. 17.)	While it is possible the inmate did draft this statement for the progress report, the report in his institution jacket is typed on the university stationery and is signed by the professor.
"May 16, 1973: Letter from professor showing inmate's schedule of daily activities, including class assignments at university. The class schedule included a humanities course Monday, Wednesday, and Saturday, 8 p.m. to 10 p.m. (No such course was listed in the university catalog and the proprofessor could not substantiate existence of course.) Also included were counseling and student activities on Saturdays, 10 a.m. to 3 p.m. (The professor said students don't meet on Saturdays and therefore he could not qualify that assignment.)" (pp. 17, 18.)	At the time this paper was prepared, the professor had not responded to this allegation.
"July 27, 1973: Letter from professor updating inmate's schedule activities. Humanities and counseling and student activities were again included. (See related comments above concerning propriety of purpose.) Letter also stated that inmate was working for Neighborhood Legal Services program as a special process server and investigator for divorce and custody cases and was authorized to serve summonses and subpoenas in Washington, Maryland, and Virginia." (p. 18.)	Regarding the reference by GAO to inmate's activities with the Neighborhood Legal Services, the following information is an extraction from a progress report written by the chief investigator for Neighborhood Legal Services, dated Sept. 7, 1973, and forwarded with cover letter by the executive director of that organization to the Prison College Administrator for the D.C. Department of Corrections : "At the beginning of Mr. (inmate's name) tenure as a volunteer investigator with the investigative unit on May 31, 1973, he attended the orientation session as is given to all new personnel asisgned to this unit. During the orientation period the functions of the investigative unit were discussed, and the purpose, goals, and types of cases handled were outlined. Mr. (inmate) expressed an interest in domestic relations cases and requested permission to work on cases of this nature." "Mr. (inmate), under the strict supervision of our experienced investigators, has worked on assignments involving family matters. He is given a case and is required to familiarize himself with all aspects of the case. At the direction of myself or the attorney(s) handling each case, he interviews clients and witnesses and compiles all pertinent data for use by the attorney. The progress report is reviewed by me prior to the completion of the case. He is also required to

GAO account	*Department records*
	serve subpoenas, summonses, and other court papers and make the necessary return of service to the proper court, all of which requires substantial public contact. He is assigned to a new case at the completion of each case he handles."
	Mr. (inmate) has been very effective with his assignments, and with the influx of new volunteers, he will be required to participate in the training sessions and give the volunteers the benefit of his experience."
"July 30, 1974: Request from professor requesting inmate's release on each Sunday during August 1973, to visit "Smithsonian Institution's National Art and Portrait Gallary" from 9 a.m. to 9 p.m. to obtain information on arts and humanities of western civilization to prepare for CLEP tests. The request stated that the university did not offer courses dealing with these subjects in the summer. (Inmate never took CLEP test although released several times for this purpose.)" (p. 18.)	Inmate's institution jacket contains furlough authorizing him to spend each Sunday in August at the Smithsonian Institution. At the time this paper was prepared, we had not received confirmation as to whether the inmate took the CLEP test.
"September 5, 1973: Letter from professor showing inmate's class schedule for fall semester Sept. 5 through Feb. 9, 1974. Cultural arts course provided for continuation of the arts and humanities study at Smithsonian on Sundays from 9 a.m. to 9 p.m. Student activities were again scheduled on Saturdays. A history class was scheduled for Monday through Friday. (The university's published schedule of classes did not include this history class and the class was not held.)" (p. 18.)	At the time this paper was prepared, the professor had not responded to this allegation.
"This inmate's attendance at the university was seldom taken, and his whereabouts was generally not known by either the university or department. Almost every day the inmate was 10 to 30 min. late returning to the institution—many days he was 1 to several hours late. He was disciplined for lateness several times but it did no good—the very next day he was late again." (p. 18.)	Disciplinary action was taken as follows: 4–9–73—Administrator hold status 2 d (suspended for 30 d pending no further violations). Apr. 20, 1973, 20 min late. Apr. 24, 1973, 50 min late. Apr. 25, 1973, 12 min late. Apr. 26, 1973, 1 h 30 min late. Apr. 27, 1973, 1 h 15 min late. Apr. 28, 1973, 3 h 20 min late. Apr. 30, 1973, 1 h 5 min late. 5–2–73—Removed from educational furlough for 14 d (2 d suspended on Apr. 9, 1973 considered) Removed from program through 5–13–73.
"In September 1973 the inmate was arrested twice while on leave to attend the university—once for unlawful possession of firearms in an apartment he was allegedly renting and the other time for driving his late	On charge, unlawful possession of pistol, possession of an unregistered firearm, possession of firearm not identified by serial number, Criminal Case No. 73–952, the inmate was found "not guilty" Mar. 4, 1974.

GAO account	*Department records*
model luxury car without a valid permit." (p. 18.)	With reference to the traffic charge, the registered owner of the car was inmate's mother. Inmate forfeited fine of $50 for driving without valid permit. (Information on traffic charge was obtained from the narcotics unit of the Metropolitan Police Department.) A letter from the inmate's attorney to the director of the D.C. Department of Corrections, dated Sept. 24, 1973, states: "The charge specifically stems out of a rifle being found in a particular apartment by members of the Metropolitan Police Department on Aug. 27, 1973. This apartment was leased to a Mr. (name), not (inmate) * * *" The letter goes on to say: "When Mr. (inmate) appeared before U.S. magistrate (name) in connection with this matter, he was released on personal recognizance with the condition that he continue to comply with the work release he was then on. Magistrate (name) set this condition after being fully advised as to Mr. (inmate) background and present work release status, and thus had no objection to its continuing."

There was also a wealth of other information concerning this inmate available to the GAO. Why it was not used by the investigators is not known to the Department. Consequently, in keeping with the intent of this report, the information is provided here so that the reader again will have a balanced picture.

This inmate was instrumental in the founding of one of the first self-help groups at the Central Facility, known as the Youth Guidance Council.

In 1970, this inmate successfully completed the G.E.D. and enrolled in the Federal City College program at the Central Facility.

During the summer of 1970, he participated in a group known as the Youth Education Services which offered volunteer service to the Kennedy Foundation's summer camp for handicapped children. This was a highly successful endeavor and received much favorable publicity from the news media. The inmates who participated in this program worked on a one-to-one basis with a handicapped child.

During the May 1970 disturbance at the Central Facility, this inmate was one of several who received recommendation for a lump sum of 25 days meritorious good time for aiding several officers who were trapped in a dormitory during the rioting.

In September 1970, this inmate was invited by the Superintendent of Youth Center Number One to organize a chapter of the Youth Guidance Council at the institution. He was transferred from the Central Facility in a cadre status for a period of 90 days to work with the residents of Youth Center Number One in forming a Youth Guidance Council at that institution.

In September 1972, the resident population at the Central Facility initiated a sitdown strike as a means of bringing their grievances to the attention of the administration. This inmate was one of the leaders of the grievance committee who worked along with the administration in bringing about the suc-

cessful negotiations at that time, thus avoiding a disturbance that would no doubt have resulted in the destruction of government property and perhaps even the loss of human lives.

This inmate was also one of the inmates who accompanied the Superintendent of Adult Services to the D. C. Jail in October 1972 in an effort to negotiate for the release of the Director of the Department who was being held hostage by rioting residents of the Jail.

7. "We recommend that the Department (1) include in its construction renovation program for Lorton a provision for constructing another fence around medium security and (2) issue specific policies and procedures for all Lorton institutions covering the wearing of civilian clothes by inmates and procedures for identifying visitors." (p. 25).

The Department does not plan to construct a second fence since its long range plans call for: reducing the Central Facility perimeter by constructing a series of fences that will separate sections of the institution; improve perimeter security by constructing perimeter roads; and improving the lighting of the existing fence line, much of which has already been completed.

The Department believes that reduced Central Facility population, along with the perimeter security improvements contained in the Lorton Improvement Plan will make one fence sufficient. The Department was disturbed by the incidence of 10 breaches of the Central Facility perimeter in FY 1973, and as a consequence, took the following measures: increased the number of officers on perimeter duty; established, in addition to the above, routine perimeter patrols; established ground posts at critical points of the perimeter; and increased its training for correctional officers.

These efforts have been successful. In FY 1974 there were only two breaches of perimeter security involving five inmates. The cost of constructing a second fence at the Central Facility is "only" $125,000. However, the second fence represents a half-way remedy in that it would be only marginally effective without modification of the lighting along its perimeter. Furthermore, an access road around the perimeter would be required so that the correctional staff could respond quickly to attempted branches. The cost of the modified lighting would add $648,625. to the $125,000. fence. The additional cost of the access road would be $431,000. Thus the total cost for establishing a double perimeter around the Central Facility would be $1,204,625. In view of the lowered number of perimeter escapes in FY 74 (breaches of Central Facility perimeter), the number of security measures taken (new ground posts, perimeter patrols, etc.), and the inclusion of the new perimeter road and improved lighting in the proposed LIP, it is the Department's judgment that a second fence would provide only a marginal increase in perimeter security.

Similarly, the Department has established the use of ultraviolet light to identify visitors. The system requires each visitor to be stamped on the hand with a fluid that is visible only under an ultraviolet light. No escapes from the Central Facility of inmates posing as visitors have occurred since its inception in February 1973. This system was installed at other Lorton institutions later in the year.

8. "—Make a thorough investigation to determine the source of contraband which continually shows up in shakedowns and inspections." (p. 38)

It is the Department's belief that its tool control procedures are effective. On March 9, 1973, the Assistant Director for Operations issued an order to Superintendents that established procedures for maintenance and control of all class A tools (extremely hazardous) in their institutions. In addition, Superintendents established specific directives to provide for accountability of all tools, and spot checks for periodic inventories.

The problem is that so many of the contraband items have been manufactured from materials other than tools. It is relatively easy to trace the source of institutional property converted to contraband (identifying numbers are engraved on the items), but difficult to control the making of weapons from other materials. A note about inmate manufacture of weapons. There is no effective way to prevent inmates from making weapons. Take away forks and table knives, and shakedowns will turn up contraband weapons made from spoons and writing pencils. The only way, albeit imperfect, to solve the problem is by defusing tension, an area in which the Department has had demonstrated success.

This can be achieved if institution size can be reduced, if inmate privacy can be increased, and if program resources are adequate to eliminate idleness. Most of this can be achieved through the Department's Lorton Improvement Plan proposal, which would help reduce perimeter escapes while increasing the safety of inmates and staff.

The Department has taken added measures to reduce contraband brought into the institutions. On July 1, 1974, the Assistant Director of Operations issued a memorandum to all Superintendents and Administrators of the Department requesting copies of entrance regulations of each institution. The information will be used to update the present regulations to ensure that they include tht following major procedures:

(*a*) Handling of illegal weapons and narcotics, including notification of proper authorities.

(*b*) Use of metal detectors (where applicable).

(*c*) Procedures for checking of visitors' purses and packages.

(*d*) Searching of visitors and employees.

(*e*) Use of ultraviolet light for visitors.

(*f*) Procedures for vehicular search.

(*g*) Sally-port procedures.

9. "Tighten controls over all institutional property to prevent inmates from stealing it." (p. 38)

As stated previously, the Department has developed a procedure for assigning personal responsibility to employees for control of tools and other institution property. It has reduced the probability of contraband entering the Central Facility by installing a metal detector at the entrance of that institution. Also, it must be noted that the Department has made repeated requests for funds to obtain metal detectors for its other institutions. In the FY 1974 budget the Department requested five metal detectors but the request was disallowed by the Congress.

10. "Put standard locks on inmate lockers and direct officers to regularly inspect lockers." (p. 38)

The Department is developing such a system of locks with master keys. Once the system has been implemented, it will be possible for officers to routinely inspect lockers. It must be noted that such an inspection system will reduce contraband stored in lockers. There is no guarantee that it will reduce the amount of contraband, since inmates will utilize other places to hide forbidden materials.

11. "Assign officers full time to each dormitory." (p. 38)

In order to provide coverage of 23 dormitories at the Central Facility with an officer in each dormitory during the first and third shifts for seven days per week, and on the second shift on Saturdays, Sundays and holidays, an additional 68 officers would be required over and above the necessary officer complement for adequately securing all other existing posts. The 1974 budget requested funding of an additionl 235 officer positions, of this number, 120 positions were approved. These positions were distributed as needed throughout the Lorton facilities. This left the Central Facility with an authorized complement of 322 officers, two less than the number necessary to provide dormitory coverage. However, funds were provided for only 272 officers, 50 fewer than the authorization.

12. "Improve the narcotics testing program by insuring that (1) all institutions test inmates regularly, (2) all test results are "received and recorded promptly, (3) inmates receiving positive tests are effectively disciplined and treated, and (4) inmates do not obtain advance knowledge of test plans." (p. 38)

The Department issued Operations Notice #17 in March 1973. This Notice outlines procedures for collecting, labelling, and classification of urine specimens. Urine surveillance is not intended to provide information for punitive purpose, but rather to (1) assess the level of drug activity within a facility, (2) identify the drugs most abused, and (3) to determine if medical treatment is needed.

In FY 1974, the Department made the following changes to improve its urine surveillance program.

The Narcotic Treatment Administration contracted with a laboratory other than the one which tested during the years covered by the GAO report. The new contractor has returned the results of the specimen analysis much faster

than the predecessor; however, the Department is still not totally satisfied with the response times.

Initiated a new system of labelling, reducing the number of erroneous results.

Eliminated the procedure where inmates can be notified in advance when testing will occur. The Department has not initiated testing at all institutions; rather it has concentrated its resources on those institutions which have some inmates who enter and return from the community.

The administration of discipline for "dirty urine" is a responsibility delegated to the separate institutions, who are in a better position to determine what discipline is most appropriate for the individual.

13. "Issue uniform policies and procedures on the inspection of visitors' handbags and purses and the searching of inmates after visiting." (p. 38)

Due to the difference in institutions, uniform policies and procedures are not advisable. What is necessary at Maximum Security would be inefficient at Minimum Security. Nevertheless, the Department has taken the following steps to increase security: memorandum issued by the Assistant Director July 1, 1974. requires all institutions to update their procedures for processing visitors, and to submit their revisions to the Central Office for review; metal detectors have been requested for all institutions; and institutions that provide security have issued directives for searching visitors and staff at the entrance, and have revised regulations limiting the size of handbags that can be brought into the institution.

14. "Investigate *all* escapes and report results with recommendations to top management. Such investigations, in addition to identifying gaps in physical security allowing perimeter escapes, should also delve into causes for escapes from escorted trips and leaves of absence. The Department should then correct identified problems." (p. 41)

This recommendation is in keeping with Department policy. All perimeter escapes are investigated in detail following adoption of Operations Notice #20 (April 1973). It was this procedure of investigation that resulted in establishing ground posts between towers one and ten of the Central Facility during shifts one and three, on weekdays, and during visiting hours on Saturdays and Sundays.

Investigation of community escapes also have been routinely conducted. As stated, the Department has developed procedures to assess both the resident's need for an authorized absence, and an assessment of his community situation.

15. "Uniformly and promptly report as escapees all inmates returning late from leaves in excess of a fixed time interval and such escapes should be accurately shown in Department statistics." (p. 41)

It has always been the Department's policy that men granted an authorized absence be: informed of the time they must return, informed of the consequences of non-compliance, and informed of what steps to take in event of emergency that may prevent them from returning on time.

Each resident released on authorized leave signs an acknowledgment of his obligations. Furthermore, in the event of unavoidable delays, emergencies, etc., the inmate has clear instruction as to whom he should notify so that his situation can be verified by the Department.

The Department has established a policy that any return from leave that is two hours beyond the authorized hour of return shall be reported as an escape. This policy applies to all authorized absences.

The Department reserves the right to investigate unusual cases of late return to determine what discipline is appropriate.

Appendix I

1. Employment of additional female correctional aides to perform shakedown and search of visitors.
2. New tower constructed.
3. Additional lighting within the Complex.
4. Patrolling of perimeter narrowed down to patrol of the immediate complex area.
5. Upgrading of employee and vehicle search entering and leaving complex.
6. Hot line to Fairfax County Police Department in the event of internal or external disturbance or escape.

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7. Supervisory position created to provide full coverage as a security officer on all three shifts.

8. Relocation of number eight tower.

9. Guardhouses erected for the security post officer on fence line duty located between towers.

10. Radios added to four towers which provides radio contact between all towers.

11. Metal detector at number 1 tower, monitored by number 1 tower officer.

12. Watchtowers—Relocation of number 8 tower to provide better surveillance. Radios provided to towers and telephone communications improved.

13. Internal lighting added which provides the tower officers with better surveillance of movement within the perimeters.

14. Guardhouses erected between towers in areas where needed to provide complete coverage from tower to tower.

15. Radio-telephone operator has control of warning siren in the event of an escape. Direct telephone line to Fairfax County Police in case of disturbance or escape. Fairfax County Police alert all other law enforcement agencies within the Metropolitan area.

16. Photographs of all inmates who occupy a particular dormitory which aids in identifying a potential escape.

17. Improvement of periodic searches of cells and dormitories.

18. Photographs of all inmates, maintained at Control Center indicating as to which housing and squad they are assigned to.

19. Two additional bed checks have been initiated to maintain closer surveillance.

20. Consistent, frequent and surprise search and seizure operations to confiscate contraband.

Report on the Current Status of Recommendations Made by the General Accounting Office (Report B–118638)

This report focuses on GAO recommendations numbers 3, 5, 7, 8, 10, 11 and 12 as cited in the Department's Response. The other eight (8) recommendations dealt with statistical matter of opinions expressed by GAO auditors. These were answered in the Department's original Response.

The following represents all changes and/or updates in conditions and procedures since the response.

3. "(a) Establish uniform and definitive guidelines for all institutions for selecting inmates for rehabilitation leaves of absence, giving due consideration to the time remaining to serve before probable release. (b) Such leaves should, depending on the reason for release, be for periods no longer than necessary to carryout the leaves's purpose. (c) The policy of granting recurring leaves almost continuously should be evaluated."

Update

Department Order No. 4920.3 (Work Training and Higher Education Furlough Programs for Adult Sentenced Inmates) dated November 11, 1974 definitively repsonds to this GAO recommendation. It may be noted that this order is in process of amendment: Section 6a. (4) (a) will read "Inmates serving a minimum sentence in excess of three years must complete *60 percent* of such minimum sentence." All institutions are currently following this D.C.D.O.

The Department has stopped granting social furloughs in consonance with the Saxbe Order. All furloughs are now channeled via Work Training and Higher Education programs; therefore, the matter of recommendation to evaluate the policy of granting recurring leaves is no longer pertinent.

5. "Establish uniform procedures for monitoring whereabouts and performance of inmates participating in outside activities."

Update

A staff member (Prison College Administrator) has been assigned to monitor all inmates involved in community educational programs. (Federal City College and the Information Center for Handicapped Children). The latter receives, checks, and approves all class schedules prior to enrollment, receives bi-weekly reports from instructors, and performs evaluative on-site checks at least once weekly on a random basis. Additionally, inmates involved in the FCC program are monitored on a daily basis by an FCC staffer who immediately reports all irregularities to the Prison College Administrator.

The College Administrator makes qualitative ongoing reports to each institutional administrator.

7. "We recommended that the Department (1) include in its construction renovation program for Lorton a provision for constructing another fence around medium security and (2) issue specific policies and procedures for all Lorton institutions covering the wearing of civilian clothes by inmates and procedures for identifying visitors."

Update

1. A secondary fence has been constructed around the potential high escape areas (between towers 2 and 3; 9 and 10) at the medium security facility.

2. Crushed white stone has been placed between the primary and secondary fences. At night, reflection from the stone serves to increase visibility from the towers.

3. The Superintendent of Correctional Services is in the process of revising existing regulations governing the wearing of civilian clothes by inmates.

4. Improved perimeter lighting has been installed.

5. Perimeter roads around the central facility have a projected completion date of August 1975.

8. "Make a thorough investigation to determine the source of contraband which continually shows up in shakedown and inspections."

Update

All institutions are in compliance with the Assistant Director for Operations Memorandum, dated July 1, 1974 re: the updating of regulations on contraband. Major procedures (a) through (g) as cited in the Department's Response have been incorporated into existing Superintendent Orders.

10. "Put standard locks on inmate lockers and direct officers to regularly inspect lockers."

Update

There is established a system of locks with Master Keys. Locker inspections are routinely made on a random basis.

11. "Assign officer full-time to each dormitory."

Update

Officers are assigned on a full time basis in each dormitory at all the Lorton facilities except the Central. Budgetary deficiencies continue to prevent full time dormitory coverage at the latter facility.

12. "Improve the narcotics testing program by insuring (1) all institutions test inmates regularly, (2) test results are received and recorded promptly (3) inmates receiving positive tests are effectively disciplined and treated, and (4) inmates do not obtain advance knowledge of test plans."

Update

The Department has contracted with a new laboratory which has reduced the time delay in receipt of the results of the specimen analysis, currently 7 to 10 days.

Appendix IV

Lorton Improvement Program

(Currently Before the D.C. City Council)

INTRODUCTION

In 1970–1972, the Department experienced a rapid increase in the number of offenders committed to its custody. The increase resulted in a serious overcrowding of facilities, which in turn resulted in increased difficulty in maintaining security and discipline. Furthermore, population projections made available to the Department at that time indicated that the increase in committed offenders would continue until at least 1975, at which time the Department could expect 5000 sentenced incarcerees, nearly double the capacity of its institutions. On the basis of this information, Congress authorized in FY 1972 a total of $65.2 million for construction of four new institutions to house 2000 offenders.

In 1972, however, the District noted that while the institutional population continued to rise, it did so at a *slower rate* than had been anticipated. Conse-

quently, the Mayor directed that construction not begin until completion of a second population projection. He further directed that the District's population projections be updated every six months in order to detect any abrupt changes in trend.

The second population projection was completed in January of 1973. It utilized a mathematical formula based on more reliable data than had previously been available. This second projection predicted two expected populations by 1977: a high projection of 2400, and a low projection of 1300. The wide difference between the two projections is due to differing assumptions and data upon which each was based.

During the months of January through August of 1973, the Department compared the projected populations with its monthly averages. The comparison indicated that actual population was slightly higher than the projected low. The Department, however, cannot make plans on the basis of the low projection since so many factors that affect it, such as average length of stay until first release, minimum sentence length, etc., can change quickly and again send the institutional populationl soaring.

In view of these unpredictable factors, it is the Department's judgment that it must plan to construct 1000 new spaces in expectation of having a total of 2400 incarcerees (including 500 in CCCs) in 1977.

However, the Department requests authority to construct only 600 new spaces at this time. Should the high projection figures actually materialize, additional funding will be sought for the remaining 400 spaces.

Population projections

The model used to estimate the Department's projections is based upon the input rate into the system and average length of stay for each different subgroup (youths, adult felon, adult misdemeanant). The input rate is the product of several other rates, such as the indictment rate, conviction rate, and incarceration rate. These rates were developed from both historical data and U.S. Attorney estimates of a stable number of 2,600 indictments per year in Superior Court. A method was developed to convert the total number of indictments into number of indictees, and convert number of indictees into number convicted, number incarcerated, etc. The reader is referred to Section III of the January 1973 population projections for a detailed description of the conversion method.

Therefore, the notable assumption of the projections is that in the future there will be no major changes in the number of indictments per year, in the proportion of indicated offenders who are incarcerated, or major changes in the average number of months served by incarcerees.

In any effort to achieve greater accuracy, the January 1973 projection identified the expected high and low numbers of incarcerees for each month. The following table compares the actual population for each month in 1973 with the highest projection and the lowest projection for that month.

It is important to note that the figures below *include* D.C. Code Violators currently serving in Federal institutions. Presumably, these violators will ultimately be returned to the Department. In 1973 the number of D.C Code violators serving in Federal institutions ranged from 276–332. Female D.C. Code Violators are also included below. Community facility residents are also included, but not parolees or jail incarcerees.

Similarly, it is important to note that the figures below *do not* include Federal Code Violators currently serving in the Department's institutions. Presumably these offenders will in the future be committed to Federal institutions.

ACTUAL INSTITUTIONAL POPULATION COMPARED WITH HIGH AND LOW PROJECTED POPULATIONS, 1973

Month	Average daily population	High projection	Low projection
January	2,938	3,030(+92)	2,970(+32)
February	2,848	3,030(+182)	2,920(+72)
March	2,807	3,060(+253)	2,890(+63)
April	2,779	3 080(+301)	2,820(+41)
May	2,815	3,090(+275)	2,780(−35)
June	2,838	3,100(+262)	2,740(−98)
July	2,780	3,110(+330)	2,700(−80)
August	2,741	3,120(+379)	2,660(−81)

As the above table indicates, the Department's actual monthly population average is quite close to the projected low population. However, the Department cannot conscientiously use this low figure for planning since the projections are based on a continuation of factors that could suddenly change and cause a rapid increase for which the Department would be unprepared. Any increase in average time served, or in minimum sentence, or in types of crimes for which convicted, could result in an increase of unpredictable size. Similarly, social and economic factors, such as an increase in unemployment among youths could result in more criminal activity and a rapid increase in commitments.

Further population tracking during 1974 indicates the wisdom of this approach, with current pressures indicating the 1800 figure may be substantially exceeded by 1977.

As a consequence, the Department made the decision to utilize the high projection of 2400 incarcerated by 1977 for *planning purposes* but to scale its requests to an expected population of 1800, the figure midway between the high prediction of 2400 and the low of 1300.

In the table below, the projected population of 2400 is distributed among facilities that are capable of accommodating only 1800 persons. As the table demonstrates, the facilities listed will be adequate for the low and intermediate projections of 1300 and 1800, but inadequate for 2400.

INSTITUTIONAL DISTRIBUTION OF PROJECTED SENTENCED-INCARCERATED POPULATION: HIGH PROJECTION

	1974		1975		1976		1977	
	Capacity	Average daily population	Capacity	Average daily population	Capacity	Average daily population	Capacity	Average daily population
Adults:								
Central facility	904	904	904	904	400	400	400	393
Maximum security	404	344	404	305	400	400	400	400
Minimum security	304	304	304	304	300	41		
New minimum					225	225	225	225
New institute C					200	200	200	200
New institute E					200	200	200	200
Community center	277	277	312	312	390	390	390	382
Total	1,889	1,829	1,924	1,825	2,115	1,856	1,815	1,800
Youths:								
Youth center 1	324	324	324	310	325	325	325	325
Youth center 2	225	255	225	150				
New institute B					200	174	200	157
Community center	140	140	190	190	120	120	120	118
Total	689	719	939	650	645	619	645	600

The women offenders are not included in the totals for 1974 and 1975. They are included in 1976 and 1977, when space for them will be available in the new institutions.

DEPARTMENT'S POLICY STATEMENT ON THE LORTON IMPROVEMENT PLAN

The Department has developed its plans within the following parameters:

1. that no institution house more than 400 residents, which is the maximum number if security is to be maintained and programming is to be effective.
2. that residents serving long terms be housed in individual rooms or cubicles for reasons of security and humaneness.
3. that the institutions specialize in their programs to meet the needs of a diverse inmate population, rather than reply on "multi-purpose" institutions that are less efficient.
4. that the Department centralize some functions for more efficient operation, such as the hospital, engineering, and some food processing functions.
5. that the Department maintain a housing capacity of at least 10% above the expected population. These "empty" spaces are essential to accommodate fluctuations of the total population. Fluctuations due to factors beyond the Department's control, such as court imposition of longer sentences, could increase the Department's inmate population by as many as 1100 persons, which

is the number difference between the high projection of 2400 persons and the low projection of 1300.

6. that the Department develop facilities for sentenced female offenders who are District residents. These offenders are currently sent to Federal institutions.

7. that the current Minimum Security Facility, which the Department shares with the Department of Human Resources, be turned over to the District as it is not adequate for Corrections' needs. The Department of Corrections would relocate its Minimum Security Facility in a renovated facility that provides greater security and more program space.

8. that Youth Corrections Act commitments not be housed in institutions with adult offenders. This is consistent with past judicial decisions.

These are the parameters which the Department had to consider in developing its plan to construct three institutions totalling 600 spaces, and through renovation reduce existing facilities to manageable size while centralizing important functions.

THE SYSTEM

It is the Department's intent to operate its institutions as a system, with each institution fulfilling a special role. The role of each institution is described below:

1. *Central Facility.*—will house adult males serving long terms. The majority of this population will be assigned to the Industries Division located at this institution.

In addition, this institution will be the location of medical, baking, college, engineering, and administrative functions that serve the entire Lorton reservation.

2. *Maximum Security.*—will be the institution of service for the Department's population regarded as security or adjustment risks. Thus the majority of its population will serve the major portion of their sentences in the unit.

3. *Minimum Security.*—will house adult males regarded as not being security risks. These males will be assigned to agricultural, engineering, or pre-release activities.

4. *New Institution E.*—will house 200 adult males within two years of probable release. These men will be assigned to academic-training programs. Men nearing completion of long sentences will be transferred to this institution for training prior to release. This institution will house 200, but will be so constructed that it can be expanded to 400 if necessary.

5. *New Institution C.*—will house 100 adult males and 100 females, the majority of whom will be within 1–2 years of release. This population will be assigned to academic-vocational programs. Males and females will participate together in such programs, but the institution will be designed to house each group in wings that can be secured from the rest of the facility. Thus the women will live, dine, and participate in recreation programs separate from the men. This facility will be constructed to house 200, but will be expandable to 400.

6. *Youth Center I.*—will be renovated to improve security. Will remain a Youth Center stressing training programs, but will house youths with long sentences (5010–C), or with serious offenses or extensive prior criminal records.

7. *New Institution B.*—will house male and female youths; males assigned here will be considered as less in need of extensive treatment than those assigned to YC 1, and will generally be regarded as those youths likely to be paroled within 12–18 months after commitment. The females will live, eat and engage in recreation in a wing of the institution that can be secured from the rest of the institution.

This is a flexible system that provides the Department with institutions of varying security, and which enables it to assign inmates to programs appropriate to any stage of their sentence. An integral part of the system is the Department's network of Community Correctional Centers. Under the 1,800 population projections, their capacity is planned at 360, or 20% of the total in 1977.

RENOVATION OF EXISTING FACILITIES

The central facility

The reduced central facility would house 400 males serving long terms, men with no probable release for three years or longer. These men would be as-

signed to the Industries Division to accumulate savings until they are within 12–18 months of probable release. At that time they will be transferred to New Institution C to participate in programs preparatory for release.

Buildings that are located outside the perimeter of the reduced Central Facility will be utilized for a number of service-wide functions.

The specific renovations are detailed as follows:

The perimeter

Relocate Towers 1 and 2. Tower 1 to be relocated approximately 100 yards East of its current site, and in alignment with Tower 10.

Tower 2 would be relocated at the corner of the gym. A security fence, 11 feet high with shepard's crooks, would connect the relocated towers. This fence would separate the current administration building from the rest of the Central Facility; a ground post would be relocated midway between the towers.

A second fence would run along the sidewalk adjacent to the Industries Building to a junction beyond the laundry, where it would be directed north until it connected to Tower 7 (entrance to Maximum Security). This section of fence would have three gates: a manned post at the East entrance to Industries, an unmanned gate at the existing road to permit trucks to enter the institution, and a third gate at the railroad tracks leading to the heating plant.

Another section of fence would run from Tower 7 to the vicinity of relocated Tower 2, thus securing the industries areas from the commissary and warehouses areas. This section would contain one sally-port to regulate truck traffic entering the Industries area.

The relocation of this fence would require the construction of three towers (numbers 1, 2, and 3), two ground posts, one sally-port, one manual and five electrically operated gates. The perimeter of the Central Facility will be notably reduced, thus enhancing security.

Inside the perimeter

Buildings R–4, R–5, R–6, R–7, R–8 and R–9 have either been renovated, or are currently under renovation. These open dorms will be converted into individual cubicles by installing 3′ x 8′ wallboard dividers to separate each inmate's living area from that of the other residents.

Buildings R–10, R–11, R–12, R–13, R–14, R–15, R–24, and R–25 will be totally renovated in the same manner. These dorms are currently in poor interior repair and are only marginally suitable housing. The renovation includes enlarging of windows, enlarging day-room space, up-grading toilets and showers and removing them from direct view of residents.

R–3. Currently houses a dental clinic, dormitory (second floor), barber shop, and meeting rooms for inmate organizations. Will be converted to house administration and C&P offices on top floor, inmate visiting and attorney interview rooms on the lower floor.

R–2. Gym. Will remain a gym. Only needed renovation is installation of security doors.

R–43. Hospital. This building will be renovated to serve as a 64-bed central hospital for all of the Lorton institutions.

R–41. Dorm. Will be converted to administration-records office for staff of the Central Hospital.

R–18. Dorm. Will be converted to a Psychiatric Treatment Unit for all of the Lorton institutions.

R–16. Captain's Office and Officer assembly. No change.

R–17. Control Cells. No change.

R–27. Culinary and dining hall. Previously scheduled renovation has begun. A list of new equipment is included in the attachments.

R–29. Bakery. This unit will provide bread for all of the Lorton institutions and the Detention Center. New equipment will be necessary to achieve this goal. This will also be a vocational training program for the assigned residents.

R–19. Arts and Crafts. No change.

R–20. Dorm. Will be converted to the academic school for the reduced Central Facility.

R–21. Dorm. Will house the inmate services currently located in R–3: barber shop, law library, self-help groups, and inmate publications.

R–28–23. Laundry. These two buildings house the laundry capable of serving all of the installations. New equipment would make the operation more efficient. A special dryer is essential to handle the non-cotton fabrics which the Department will be using in 1975.

A, B, C, D, Dorms. These will be converted to a Central Engineering Unit, fenced apart from the rest of the Central Facility. One building will house the offices of the Engineering Division, while the other three will contain the Maintenance Shops. Inmates working in this unit will be minimum security residents bused from the Minimum Security institution.

P–17. Academic School. Will be renovated to house the Prison College that serves all of the institutions.

Renovations to the outmoded heating plant for the Central Facility are now underway. Caught between energy conservation and ecological requirements, the Department is currently installing two oil-fired boilers capable of carrying the institutional load under normal circumstances. The three old coal-fired burners, however, will be retained for back-up purposes. Additionally, repairs are planned to steam tunnels, one of which is in imminent danger of collapse, and because of conservation requirements, coal handling equipment must be refurbished. Railroad improvements are also required. Originally, the Department had sought to phase out coal as a means of heating.

R–44. Chapel. This building is used for a variety of religious services, resident assemblies, and program and community oriented meetings and activities. In view of the multi-purpose nature of the building, air conditioning will promote maximum functional use.

R–42. Industries. The Department's industrial operation is self-sustaining, except for capital improvements. Repairs are necessary to the existing warehouse, the Metal Shop, the Print and Screen Shop and the Furniture Repair Shop. They incorporate equipment replacement, exhaust and ventilation systems, sprinklers, humidity controls and locking devices.

Buildings outside the perimeter

R–67. Administration Building. Will be renovated to house the offices of such service wide units as Program Coordination, Business Division, and Communications.

Missile and radar sites: The Department has recently acquired from the Army these two abandoned facilities which contain serviceable buildings. This saves the extensive renovation originally contemplated to the existing Training Academy. However, some funding will be required to convert the sites to training and office/storage use, as well as to make repairs to the firing range.

Visitors Processing Center: This will be a newly constructed building located adjacent ot relocated Tower 1.

R–40. Vocational Training. Will be utilized as warehouse by Industries for storage of finished products.

R–31. Pattern Shop. Renovated to serve as warehouse for Industries for flammable material.

R–32. Foundry. Will be renovated to serve as warehouse for Engineering.

R–69. Warehouse. Will continue as warehouse for Engineering. A covered space totalling 5,000 S.F. will be added.

R–66. Commissary. Will be renovated to serve as central food storage unit for entire reservation.

Meat Plant. Will be constructed adjacent to commissary. Will be central meat processing unit for all Lorton institutions.

R–46. Vocational Training. Will be utilized as classrooms for Food Processing vocational training program.

Maximum security

The Maximum Security Unit will house inmates regarded as security or adjustment risks. A large number of D.C. Code violators currently serving in Federal institutions will in the future be committed to the custody of the Department. The majority of these inmates were transferred to the Federal system for failure to adjust; consequently, a secure environment is needed.

The facility will develop its own programs for a population that will serve long portions of their terms in the unit. To achieve this, three cellblocks must be renovated, and a gymnasium must be constructed.

Minimum security

The current Y.C. #2 would be utilized as the Department's Minimum Security institution, operating at its capacity of 225 residents.

The current Minimum Security institution would be turned over to the District. For the Department's purpose, the current location is not satisfactory because:

(1) Administration space is minimal; currently the administrative offices are located in trailers.

(2) Program space, especially recreation space is not adequate.

(3) There is too much contact between the Department's residents and the RCA patients.

(4) The lack of security fencing is conducive to "walk-away" escapes. There have been 56 "walk-aways" from the current Minimum Security in the past three years.

Relocation to the current Y.C. #2 would correct these problems while providing the population with adequate program facilities. The fenced compound at Y.C. #2 would presumably discourage walk-aways, but the institution would be operated as a minimum security rather than as a medium security facility. No major renovation would be required to convert this institution to a Minimum Security Facility other than the installation of a large fire (water) line to ensure adequate water in the event of fire.

Youth center I

This institution will house those male youths who are expected to serve relatively long terms until parole (5010–C commitments), and youths regarded as in need of close security or supervision. To fulfill this mission, the following renovations are needed:

1. Installation of security doors and windows in inmate housing units.
2. Improved perimeter and interior lighting.
3. Construction of a perimeter road.
4. New culinary equipment.
5. Conversion of heating plant to grade 2 oil.
6. Roof replacements and auditorium improvements.
7. Utility repairs incorporating transformers, steamlines and building heating systems.

New institutions

The Department would utilize the new institutions as follows:

New institution E

This facility will house 100 adult women and 100 adult men. It will not be true coed institution, however, since males and females will be housed in separate wings, will dine separately, and will not attend integrated recreation programs. Academic training programs will be directed chiefly toward the women while the majority of the men will be full time students at the Prison College located at the Central Facility. Males assigned to this institution would be within 1–2 years of release.

New institution C

This facility would house 200 adult males who are within 1–2 years of probable release, and who are regarded by the Classification Committee as not suited for a coeducational institution. Both direct commitments from the new Detention Center and transfers from the Central Facility will be sent to this institution. The average length of stay at this facility would be 12–18 months.

It is assumed that the residents will spend one-half day in vocational training, one half in related academic work, or in remedial or GED educational programs. Thus the length of a resident's training program will average 8–12 months, depending upon the trade in which he is enrolled. Men completing trades will be assigned to maintenance squads (warehouses, labor pools, garage, etc.) until release.

New institution B

This facility will house 200 youths, male and female. The males assigned to this institution will be those regarded as not in need of close supervision or

security. While males and females may participate together in some programs, they will dine separately, and have separate recreation programs.

The female wing of the institution will be secured from the rest of the facility.

UTILITIES AND ROADS

Water and sewer

Water treatment is not necessarily a capital concern, since the Department can purchase treated or untreated water from Fairfax County. Extensive work is contemplated on the water distribution system, in terms of valve replacement and water main improvements to increase pressure and flow.

The Department must make provisions to furnish advanced wastewater treatment (AWT) either by upgrading its own sewer plant or by contracting with Fairfax County. Funds are included to accommodate either alternative.

Heat

The sites selected for the new institutions represent the locations most suitable for construction while maintaining visual separation. The distance between the institutions, however, precludes the construction of a central heating plant. Thus each institution will have its own heating plant.

Roads

Access roads to the new institutions have been included in the planning of the new institutions. Perimeter security roads for existing institutions have been included in the renovation plans.

Schedule of completion

If Congressional approval of the District's request for reprogramming of funds is not delayed beyond the Spring of 1975, work on the design of the new institutions can begin in July of 1975. A minimum of 12 months would be required for designing.

Actual construction could begin in July of 1976, with probable completion of one unit in July of 1977, the other two would be completed in December of the same year.

Since there may not be a flexibility factor in the Department's current available housing, renovation of buildings currently utilized as dormitories probably cannot be accelerated beyond the current pace until after completion of the new institutions, when space for relocating the inmates will be available.

However, many of the other renovation projects can begin in fiscal 1976, and will proceed while the new institutions are under design and construction.

Staffing

The following table summarizes the estimated staffing of the new and renovated institutions.

These are estimates only, since the number and location of posts, and the specific programs to be located in the institutions cannot be determined at this time.

Overall, the estimates are based on current Department staffing ratios. For example, the staffing shown for YC I is the current compliment authorized for that institution. For the other institutions, the staffing estimates are based on the following ratios.

(*a*) One correctional officer for every three inmates.

(*b*) One teacher and vocational instructor for every 17 inmates in training institutions. In non-training institutions the ratio is 1:50.

(*c*) One classification and parole officer for every 50 youths; for adults the ratio is 1:100.

(*d*) One psychologist for every 100 inmates.

(*e*) One clerical worker for every 40 inmates.

(*f*) One medical position for every 67 inmates.

(*g*) One culinary position for every 67 inmates.

For medical and culinary personnel, a minimum of four positions per institution is necessary to provide coverage for three shifts.

It must be repeated that these are estimates only. For some positions the ratios approach nationally accepted standards; for positions such as correctional officer and teacher no accepted standards exist. For other positions, such as

C&P officers, the ratios reflect the Department's experience and previously established staffing needs.

But the point must be clearly stated: these are arbitrary estimates based on available information, and changes in expected staffing will undoubtedly occur as planning progresses.

Overall, a total of 1003 staff members will be needed to operate the seven institutions with a total average daily population of 1900. This represents a staff-inmate ratio of 1:1.89.

Summary cost data

A detailed summary of the estimated costs for the Lorton Improvement Plan is listed below. All costs have been developed by the Department of General Services, and were worked out in close coordination and consultation with the Department of Corrections.

Costs are valid to a point assuming start of design as of July 1, 1975. The Lorton Improvement Plan proposal issued in December 1973 encompassed all renovations and new facilities within the total dollar allocation. Unfortunately, due to inflation, costs which have had to be added for sewage treatment facilities, and the effects of the energy crisis, it is not now possible to accommodate the entire program within the funds available. Sources of funding, pertinent to Lorton and representing projects which will be unnecessary if the Improvement Plan is approved, are included in the estimate.

Because of this changed situation, the schedules which follow are divided in three parts—the cost of new facilities, renovation, and unfunded projects. The assumption has been made that all new institutions will be built, and the list of projects to be dropped has been developed through a Department of Corrections priority setting process.

POPULATION DISTRIBUTION AND INSTITUTIONAL STAFFING FOR 1977 POPULATION OF 2400 [1]

	Central facility	Maximum security	New institution B	New institution C	Minimum Security	Youth center	New institution E	Total
Capacity	400	400	200	200	225	325	200	1,950
Staffing average daily populations	400	400	200	200	225	325	200	------
1977 average daily population	393	400	200	200	225	325	157	1,900
Staff:								
Administrators	3	3	3	3	3	3	3	21
Records	4	2	2	2	2	2	2	18
Medical	7	7	4	4	4	5	4	35
Correctional officers	133	133	67	67	75	164	67	706
Culinary	6	6	4	4	4	5	4	33
Classification and parole	4	4	2	2	2	12	4	30
Psychologists	4	4	2	2	2	5	2	21
Educational/vocational	8	8	12	12	2	20	12	78
Recreation	2	2	1	1	1	2	1	10
Religion	2	2	2	----------	----------	2	----------	8
Clerical	10	10	5	5	5	9	5	49
Total	183	181	104	102	100	229	104	1,003

[1] Assumes that 500 of the 2,400 (or 20 pct.) are housed in community correctional centers.

Cost summary: Total program

Cost of new facilities: Includes 3 new 200 resident facilities, with 2 expandable to 400 residents. Each has full kitchen facilities, coal heating plant and air conditioning. Cost also includes a new advanced wastewater treatment plant to replace existing one. See schedule A	$42,860,000
Renovations funded: Upgrading the central facility, maximum security, youth center No. 1, and reservation utilities. See schedule B	12,521,000
Total funds available	[1] 55,381,000
Renovations unfunded: Projects necessary, but of lesser priority. See schedule C	2,900,000

[1] ($65,200,000 originally appropriated, less $10,000,000 approved reprograming for the new detention center, and $1,695,000 identified as applicable to design services already rendered and to perimeter security package at the central facility now underway. Added to this balance are $336,000 from a prior appropriation for sewer treatment plant improvements, and $1,540,000 in construction funds to modernize youth center No. 2. These projects are replaced or obviated by the current proposal.)

Schedule A: New facilities

	June 1976 cost
1. Institution B	$6, 857, 000
2. Institution C (expansible)	7, 802, 000
3. Institution E (expansible)	7, 802, 000
4. Individual kitchens	1, 475, 000
5. Utilities:	
A. 3 coal fired plants	3, 065, 000
B. 1.5 MGD AWT sewer plant	5, 400, 000
C. Sewer collection system	820, 000
D. Storm sewer, water, power	1, 855, 000
Subtotal	11, 140, 000
6. Site work	1, 715, 000
7. General conditions	675, 000
8. 3 pct contingency	1, 134, 000
Subtotal	38, 600, 000
9. Construction services	3, 860, 000
Subtotal	42, 460, 000
10. Equipment	400, 000
Total new facilities	42, 860, 000

Schedule B: Funded renovations

	June 1976 cost
1. Water systems improvements, reservation	461, 000
2. Central facility dormitories	838, 000
3. Upgrade steam tunnels, reservation	313, 000
3. New interior fence lines and towers, central facility	578, 000
5. Meat processing plant (new structure)	669, 000
6. Youth center No. 1 improvements (security, utility, and structural)	1, 820, 000
7. Improvement of coal handling capabilities, reservation	1, 028, 000
8. Commissary renovation	133, 000
9. Renovate maximum security cell blocks	2, 142, 000
10. Visitors processing center, central facility, (new structure)	144, 000
11. Renovate hospital, central facility	47, 000
12. Improvement of engineering facilities (shops and warehouse)	734, 000
13. Improvement of industries facilities (shops and warehouse)	457, 000
14. Renovation of firing range	26, 000
15. Security doors for central facility gym	18, 000
16. Renovation of administration buildings, partial (reservation and central facility)	590, 000
17. Laundry and bakery equipment	476, 000
18. Prison college	322, 000
19. Hospital administration and records building, central facility	41, 000
Subtotal	10, 837, 000
20. Construction services	1, 084, 000
Subtotal	11, 921, 000
21. Equipment	600, 000
Total funded renovations	12, 521, 000

Schedule C: Unfunded renovations

		June 1976 cost
1.	Storage fencing and equipment	$110, 000
2.	Training academy renovations (missile site)	73, 000
3.	Psychiatric unit renovation, central facility	205, 000
4.	Security doors at youth center No. 1	264, 000
5.	Inmate services building, central facility	66, 000
6.	School and library, central facility	94, 000
7.	Office/storage improvements (radar site)	44, 000
8.	Maximum security gynmasium (new structure)	765, 000
9.	Youth center No. 1 auditorium improvements	80, 000
10.	Chapel air conditioning, central facility	347, 000
11.	Renovate administration buildings—2d phase (reservation and central facility)	589, 000
	Subtotal	2, 637, 000
12.	Construction services	263, 000
	Total unfunded renovations	2, 900, 000

Appendix V

Prison Design Standards

In the District's position paper on this Bill a 40-acre site requirement is stipulated. This is based on the suggested replication of the Lorton Improvement Plan within District boundaries.

The size of the site was dictated by functional standards based on the Department's review of its own experience, the recommendations of architectural consultants, the National Advisory Commission on Criminal Justice Standards and Goals and the American Correctional Association standards. Essentially, this resulted in the need for 351 square feet of building area per resident, and approximately 20-acres for security, outdoor recreation, buildng areas and transportation per 200 resident capacity.

The Building area standard was based on a review of present facilities and figures from architectural consultants (Gruzen and Meyers volume "Master Plan of Lorton Reservation: Phase I"). The standard develops from function-based sub-standards as follows:

Function:	*Square feet per resident*
Living units (including hygiene and passive recreation areas)	130
Education (remedial, high school, college, vocational and library)	55
Active recreation (gym)	32
Administration and control	26
Dining and kitchen	25
Industry	25
Resident services (fire protection, laundry, canteen, mailroom, visiting, etc.)	24
Plant and storage	18
Programs and treatment (medical, psychological, religious)	16
Total	351

These design standards were used by the architect to design the LIP prototype institution. This incorporated two basic design concepts developed by the consultant and the Department: (a) the idea of a "spine" or main street off of which would be residents' living quarters and services; and (b) that of the building providing its own exterior security. The resulting configuration distated, to a large extent, the winthin-perimeter use of open land. Use of the space enclosed in 200- and400-person institutions would be distributed as follows:

Function	200-resident youth facility	400-resident adult facility
Security (perimeter, landscaping for unobstructed vision)	9.1	15.0
Recreation (baseball, basketball)	4.0	6.5
Building area	1.2	2.3
Transportation (roads, shoulders, walkway)	.7	1.2

The fenced areas of the two Department facilities used as examples here account for 15 acres (43%) of the youth site and 25 acres (50%) of the adult site. An additional five and seven acres respectively are taken up by a perimeter road and staff parking. Addition of a 185–200 foot setback results in the total of 35- and 50-acre site requirements.

In order to assess the standards for the proposed two Department facilities, comparison was made with recently constructed Bureau of Prisons and Michigan state facilities (Table I).

According to Mr. Robert Georges, Facilities Development, Federal Bureau of Prisons, its 81-acre, 250-person youth facility at Pleasanton, California is considered to be of ideal size on an ideal site. Its 52-acre, 400-person Memphis, Tennessee facility is the Bureau's most cramped unit. The Michigan State Department of Corrections is building a 74-acre, 600-person facility in Muskegon, Michigan.

The range of square footage of building space per resident in the Federal facilities is 375–480 square feet per resident. The Department's two example facilities call for 355 and 385 square feet per resident. The ratio of acreage (inside the perimeter) to resident in the Federal system examples ranges from .07 to .13 acres per resident. The two proposed Department facilities would range from approximately .06 to .08 acres per resident. The Muskegon facility allows .07 acres per resident.

Comparatively speaking, the Department is using a lower amount of building space and inside perimeter space than the two Federal examples. Department sites are smaller than the Federal and Michigan examples. The original architectural consultants recommendation was to use up to 50 acres for a 200 resident facility and up to 75 acres for a 400 resdent facility. However, Department review indicated that substantially less acreage would be needed.

TABLE I

	Muskegon (State facility)	Pleasanton (Federal)	Memphis (Federal)	Youth facility (D.C. proposed)	Adult facility (D.C. proposed)
Capacity	600	250	400	200	400
Total site acreage	74	81	52	[1] 35	[1] 50
Acreage inside perimeter	40	32.5	28	[2] 15	[2] 25
Inside area/resident	.07	.13	.07	.08	.06
Building area (square feet)		120,000	150,000	77,000	142,000
Building area per resident		[3] 480	[3] 375	[3] 385	[3] 355
Inmate/staff	2.1/1	2/1	2–2.5/1	2.2/1	2.6/1

[1] The original Gruzen and Meyers (architectural consultants) recommendation was for sites of 25–50 acres for 200 residents and 50–75 for 400 residents. (Phase I, master plan of Lorton reservation).
[2] Areas inside the perimeter road will be approximately 20 and 32 acres respectively.
[3] Saqure feet per resident.

Appendix VI

High-Rise Prisons

The Department of Corrections considered, as an alternative, the possibility of building high-rise prisons. The idea seemed to offer the advantages of lesser land area requirements and concentration of services (more efficient use of space).

However, after examining the three recently constructed Federal Bureau of Prisons high-rise prisons, the Department rejected the concept for the following reasons.

In Washington, D.C. buildings may not exceed approximately 11 stories. This is lower than any of the Federal facilities. At this height, a capacity of no more than 400 can be expected (the 12-story Federal facility in Chicago has a capacity of 399).

At this capacity the Department of Corrections would still need five such facilities to house its present Lorton resident population. The prospect of locating five sites suitable for the construction of buildings as tall as any now in the city is aesthetically even less attractive than the location of seven 40-acre sites. The overwhelming architectural dominance of the surrounding en-

vironment is unacceptable, and would become intolerable when replicated in five locations.

Such facilities have never been used to house long-terms incarcerees. The three federal facilities are for detention, diagnostic services and some short-term (e.g. 6 months or less) incarcerees. Considering the length of time incarcerated and the plethora of movement of residents to services and programs, high-rise prisons are not conducive to the rehabilitation process. The spine concept, as employed in the Lorton Improvement Plan, offers the experiences of community and free movement within a controlled area which are not available in a high-rise building.

The cost of construction also increases with high-rise facilities. The Department estimates the cost of constructing one 400-resident facility proposed in the LIP within the District of Columbia at $13.7 million. The most recently constructed Federal high-rise facility in New York cost $14.8 million for a capacity of 449. With inflation, a 400-resident high-rise would cost an estimated $16 to $18 million by 1978.

Appendix VII

Debt Service Impact Calculation

MULTI-YEAR IMPACT OF SCOTT BILL ON MUNICIPAL BOND FINANCING

Under Home Rule legislation the District is limited to a yearly debt service on capital projects equivalent to 14% of annual revenues. In 1981 revenues are anticipated to be approximately $1.291 billion, and annual debt service for that year will therefore be limited to $181.0 million. This represents the high-point of debt service limitation during the current 1976–81 CIP budget period.

In 1981 debt service on borrowing for old projects is anticipated to range from $134.1 million to $137.2 million, depending on fluctuations in interest rates. Thus, to reach the legal debt service limit the District can absorb an additional annual repayment cost between $43.8 and $46.9 million by the high year of 1981. This additional debt service increase means that in the six-year capital program from 1976 through 1981, the District will be able to finance new projects having a total repayment cost (including principal and interest over a 30 years period) of an amount between $572.0 and $681.6 million. Of this amount $281.4 million is to be held in reserve for specific projects which will be undertaken through 1981. Projects recommended for inclusion in the 1976–81 Capital Improvements Program will have a total 30 year repayment cost of $261.5 million. The projects in this six-year program are considered to be optional, and can be redirected toward other use should the need arise. In addition to these committed and optional projects there will be an additional reserve capacity between $29.1 and $138.7 million, again depending upon variations in the prevailing interest rates.

Should the Department of Corrections be required to finance construction of new facilities at an approximate cost of $100.0 million in excess of funds currently available, the total 30 year cost would be approximately $200.8 million. This is computed as follows:

Sum of declining balances over 30 yr	$1,550.0
Interest rate	×.065
Total 30 yr interest	100.75
Principal	100.00
Total 30 yr cost	200.75

Given the fact that the District is limited to a range of $290.6 to $400.2 million (optional projects plus reserve capacity) through 1981, the impact of the initiation of a $200.75 million project is apparent.

Under optimistic economic conditions this project would require that 50% of all CIP projects and reserve capacity be redirected to the Department of Corrections. Under pessimistic conditions, approximately 69% of optional projects and reserve capacity would have to be redirected to the new project through 1981. Beyond 1981 the percentage of capital funds available to the District

which would have to be committed to the Department would decline steadily from 50–69% to 0% over a 25 year period.

SUMMARY OF THE IMPACT OF SCOTT BILL ON D.C. BOND FINANCING

The following table is a summary of the projected annual debt ceiling for capital projects. The bulk of these funds will repay old project costs and the remainder will be available for annual debt repayment for new projects.

Total debt service, 1981—$181

High interest rates:	
Repayment of old projects	$137.2
Available for new projects	43.8
Low interest rates:	
Repayment of old projects	134.1
Available for new projects	46.9

The following table represents a summary of limitations on total project costs through 1981. These amounts are based upon 30 year projections of the annual debt-service limitations for new projects as shown above. As noted $281.4 will be committed to scheduled projects, and the remaining available debt limitation will be divided between optional projects (those found in the 1976–81 CIP) and a general reserve capacity.

Low interest:	
Committed projects	$281.4
Optional projects	261.5
Reserve	138.7
High interest:	
Committed projects	281.4
Optional projects	261.5
Reserve	29.1
Committed projects	281.4
Commitment required by corrections	200.8

Appendix VIII

Land Acquisitions at Lorton

Lorton complex

Acquisition No.—	*Acres*
1	1,154.70
2	1,388.58
3	10.09
4	8.50
5	1.50
6	12.599
7	401.79463
8	20.624
9	1.4753
Total	2,999.86
I95 R/W	9.01
Total remain	2,990.85

ACQUISITION NO. 1

Lorton (workhouse)

1. Date Acquired: March 19, 1910 (Money deposited).
2. How Acquired (Deed or D/T); D/T. U.S. Circuit Court for the Eastern District of Virginia, Alexandria, Virginia.
3. Grantee (D.C. or U.S.): U.S.
4. Grantor: George Selecman, (57.90 Ac. + 83.00 Ac.) Mrs. J. A. Selecman (100.70 Ac.) W. S. Lynn (112.50 Ac.) Mrs. Katherine M. Holt (309.80 Ac.) J. L. Dawson (237.40 Ac.) L. A. Dent (253.40 Ac.).
5. Date Recorded; April 1, 1910.

6. Deed Book Volume and Page: Book F-7, page 212-218, Office of the Surveyor "164 original surveye".
7. Appropriation Act Authorizing Purchase—Public Law 303 [HR25392].
8. Acreage Acquired: 1,154.70.
9. Consideration: $28,648.78. See letter from D.C. Auditor dated March 31, 1910.
10. Jurisdiction: Exclusive U.S.

ACQUISITION NO. 2

Lorton (reformatory)

1. Date Acquired: April 10, 1913.
2. How Acquired (Deed or D/T); Condemned. U.S. Circuit Court for the Eastern District of Virginia, Alexandria, Virginia.
3. Grantee (D.C. or U.S.): U.S.
4. Grantor: Jarvis (30.01 Ac.) Davs (275.2 Ac + 50.6 Ac.) Jennes (4.15 Ac.) Denty (44.63 Ac.) Pollock (260.89 Ac.) Myrick (446.90 Ac.) Totten (153.68 Ac.) Fairfax (77.53 Ac.) Meade (22.91 Ac.)
5. Date Recorded: April 7, 1914.
6. Deed Book Volume and Page: Book S-7, pages 497-505.
7. Appropriation Act Authorizing Purchase—Act of Congress March 4, 1913.

That on March 4, 1913, 37 Statutes at Large, page 969, an act entitled: "An Act making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes", was duly approved, the said Act providing, among other things, "for the acquisition by purchase or condemnation of land adjacent or contiguous to the present Workhouse site at Occoquan, Virginia," needed by the United States as a site for an addition to the present workhouse of the District of Columbia, as well more fully appear from said Act of Congress to which reference is hereby expressly made.

8. Acreage: 1388.58 or 60,486,544.80 SF.
9. Consideration: $29,203.90.
10. Jurisdiction: Joint U.S. and Fairfax County.

ACQUISITION NO. 3

Lorton (reformatory)

1. Date Acquired: February 5, 1919.
2. How Acquired (Deed or D/T): Condemned.
3. Grantee (D.C. or U.S.): U.S.
4. Grantor: Totten, Ruffin, Leary, Tyers and Clarke.
5. Date Recorded: March 28, 1921.
6. Deed Book Volume and Page: Book T-8, pages 410-414.
7. Appropriation Act Authorizing Purchase—Act of Congress March 4, 1913.
8. Acreage: 10.09 Ac. or 439,520.40 SF.
9. Consideration: $490.05.
10. Jurisdiction: Joint U.S. and Fairfax County.

ACQUISITION NO. 4

Lorton (reformatory)

1. Date Acquired: August 17, 1928.
2. How Acquired (Deed or D/T): Deed.
3. Grantee: U.S.
4. Grantor: Davis.
5. Date Recorded: August 21, 1928.
6. Deed Book Volume and Page: Book H #10, Pages 569 and 570.
7. Appropriation Act authorizing Purchase.
8. Acreage: 8.50 Ac. or 370,260.00 SF.
9. Consideration: $2,500.
10. Jurisdiction: Joint U.S. and Fairfax County.

ACQUISITION NO. 5

Lorton (reformatory)

1. Date Acquired: June 8, 1931.
2. How Acquired (Deed or D/T): Deed.

3. Grantee: U.S.
4. Grantor: Richmond Land Corp.
5. Date Recorded: June 22, 1831.
6. Deed Book Volume and Page: Liber X #10, Pages 323–325.
7. Appropriation Act authorizing Purchase.
8. Acreage: 1.5 Ac. or 65,340.00 SF.
9. Consideration: $150.00.
10. Jurisdiction: Joint U.S. and Fairfax County.

ACQUISITION NO. 6

Lorton (reformatory)

1. Date Acquired: August 22, 1934.
2. How Acquired (Deed or D/T): Deed:
3. Grantee: U.S.
4. Grantor: Wright.
5. Date Recorded: August 23, 1934.
6. Deed Book Volume and Page: Book 0 #11, Page 482, Fairfax County.
7. Appropriation Act authorizing Purchase.
8. Acreage: 12.599.
9. Consideration: $2200.
10. Jurisdiction: Joint U.S. and Fairfax County.

ACQUISITION NO. 7

Lorton

1. Date Acquired: August 3, 1944.
2. How Acquired (Deed or D/T): Condemnation. Misc. #528 District Court of U.S. for Eastern District of Virginia, Alexandria.
3. Grantee: United States.
4. Grantor: Myrtle V. Buckles (McElroy Tract) et al.
5. Date Recorded: August 11, 1944.
6. Deed Book Volume and Page: Book 434, p. 36–40, Map 2926; Act of Congress August 1, 1888, 25 Stat. 357 (U.S. Title 40 Sec. 257, and Act. February 26, 1931 (46 Stat. 1421) and Act of June 27, 1942.
7. Appropriation Act Authorizing Purchase: (D.C. Appropriation Act 1943) amended July 1, 1943 (D.C. Appropriation Act 1944).
8. Acreage: 401.79463.
9. Consideration: $24,910.98.
10. Jurisdiction: Exclusive Fairfax County.

ACQUISITION NO. 8

Lorton

1. Date Acquired: July 11, 1951.
2. How Acquired (Deed or D/T): Deed.
3. Grantee: United States.
4. Grantor: Violett Williamson (Violet Tract).
5. Date Recorded: July 11, 1951.
6. Deed Book Volume and Page: D.B. No. 885, p. 302–303 Fairfax County.
7. Appropriation Act Authorizing Purchase: D.C. Appropriation Act for 1951, approved July 18, 1950 (Public Law 616, 81st Congress).
8. Acreage: 20.624.
9. Consideration: $3,350.00.
10. Jurisdiction: Exclusive Fairfax County.

ACQUISITION NO. 9

Lorton (reformatory)

1. Date Acquired: December 2, 1953.
2. How Acquired (Deed or D/T): Deed.
3. Grantee: United States.
4. Grantor: Springman, Joseph M. & Annie O.
5. Date Recorded: January 14, 1959.
6. Deed Book Volume and Page: D.B. 1147 p. 89, 90 Fairfax County Certificate of Title No. 11807—Lawyers Title.
7. Appropriation Act Authorizing Purchase: Appropriation Act for 1953 approved July 5, 1952, Public Law 453, All, 66 Stat. 382.
8. Acreage: 1.4753 or 64,264.09 s.f.

9. Consideration: $1,420.00.
10. Jurisdiction: Exclusive Fairfax County.

Appendix IX

Development of Lorton for Residential Housing

ESTIMATES OF LORTON LAND VALUE AS IMPROVED RESIDENTIAL HOUSING AREA

Working with the following assumptions, the value of the improved land at Lorton would be: (1) Development of 80% of land for residential use; (2) Development into seven-acre blocks containing fourteen half-acre lots each; and (3) Construction of the following:

36′ streets within 50′ rights-of-way, including sidewalks, curbs, sanitary sewer lines, and water mains @ $100 per linear foot;
fire hydrants, water line valves, and sewer manholes;
installation of sewage treatment facility;
initial cost of land at fair market value per Fairfax County estimates.

Development itself would divide the 104,544,000 square feet (80% of 3,000 acres) of land thus: housing blocks, 86,127,640 sq. ft.; rights-of-way, 18,416,366 sq. ft.

This would include 282 blocks, or 3,948 half-acre units.

Estimated development costs themselves would be as follows:

Initial land cost at appraised value	$14, 602, 162
Street, sewer, sidewalk, etc. (368,327 lin ft at $100)	36, 832, 700
Fire hydrants, water valves and sewer manholes	1, 500, 000
Sewage treatment plant	8, 000, 000
Subtotal	60, 934, 862
10 pct contingency	6, 093, 486
Total improvements	67, 028, 348
10 pct markup	6, 702, 835
Improved land value	73, 731, 183

Assuming that a developer would spend 50% of the contingency shown above and retain the balance, then a profit of $9,749,578 (markup plus one-half of contingency) from an investment of $63,981,605 or 15%, would be realized. No calculation is made on profit from sales of homes.

Appendix X

Land Availability in the District

PRELIMINARY EXAMINATION OF POSSIBLE CORRECTION CENTER SITES WITHIN THE DISTRICT OF COLUMBIA

Introduction

This paper outlines a preliminary examination of possible sites for relocation of the District of Columbia correction facilities now housed at Lorton, Virginia, to sites within Washington, D.C., if such a move should become necessary. *This examination should not be construed as approval by the District of any such sites for the proposed relocation of Lorton.* Lorton is a 3,000 acre site providing a variety of correctional facilities for sentenced offenders, primarily from the District of Columbia. Facilities for the treatment of alcoholics are also provided by the Lorton Reservation, as well as a landfill site that is used by the District and Fairfax County.

Review issues

There are a number of issues and considerations to be reviewed in an examination of this type. These include:

(1) *Program needs.*—What is the size and type of land needed to replace the Lorton facilities?

(2) *Land availability.*—To what extent is land available in the District of Columbia to meet program needs?

(3) *Land review criteria.*—What criteria should be used in evaluating possible sites?

(4) *Other implications.*—The District historically has operated facilities outside the city, while maintaining within its boundaries facilities and support services for areas outside the city. What are the implications of the proposed transfer of Lorton to the District from a regional perspective?

Program needs

Full review of the possibility of moving the Lorton facilities to the District would require an in-depth examination of the program for such correctional facilities, including an examination of future penal operations and policies and the impacts of such use on comprehensive planning for the District. Such a review has not been possible in this preliminary examination.

The Department of Correction suggests that seven facilities of 40 acres each (at a total of 280 acres) would be needed to replace the Lorton facility with a properly buffered standard urban prison facility. The considerations leading to this finding have been set out separately in a departmental analysis of this matter.

If the Lorton functions were to be relocated to the District, a number of facilities would be necessary. There is a consensus among correction administrators that facilities which accommodate very large correctional populations, such as high-rise correctional institutions, should be avoided. The District Department of Corrections believes that relocation to such high-rise institutions to economize on the use of land would severely set back its rehabilitation efforts aimed at the successful reintegration of offenders into the community. The creation of such large facilities tends to reinforce the image of rejection of the offender by society. Moreover, they would pose formidable security and safety problems. In addition, statutory height limits drastically restrict the locations in the District of Columba where high-rise prisons could be constructed.

To the extent possible, it is desired that scale of spaces within correctional institutions relate to the minimum scale of spaces required for the pursuits of normal community life. Space requirements for both cells and the full range of supporting facilities should relate to such standards. By providing for such amenities, within a prison facility, adjustment problems upon release can be minimized and resocialization increased. Generally, such spaces found both inside and outside the institution would include dining space, living space, recreation and sleeping space. Increasingly, court orders are requiring that such spaces be provided.

Today, decentralized and dispersed arrangements appear to be more acceptable and viable than single massive facilities. The Lorton Improvement Plan is based on the use of this dispersion technique, making use of the expanse of the reservation. The same effect can be achieved by the use of several sites, thereby creating a network of facilities which can accommodate the program objectives of correctional institutions.

If correctional goals are to be achieved in the District, the dispersion approach appears more viable and acceptable than the use of a single large (high rise) facility to house the 1,800 to 2,400 sentenced offenders.

Although the design criteria for a correctional facility should be flexible, they should provide the institutional residents with physical areas with which to relate and identify. The correctional system should consider the following functions:

Residential	Holding/Waiting
Sleeping	Intake
Dining	Medical
Food Preparation	Clothing Storage
Visiting	Weapons Storage
Recreation	Storage
Counseling	Toilets
Education	Administration
Library	Crisis
Testing	Program Planning
Multi-Purpose	Mobile Programs
Vocational Training	Research
Music	Psychiatric
Religion	Employment
Commissary	Detoxification

Land availability

Vacant land is obviously limited in the District. Three stages have been undertaken in reviewing possible sites to provide the requested seven 40-acre facilities. Initially, a list of 14 sites identified by the Department of Corrections was reviewed. All of these sites are approximately 40 acres in size. These sites were selected primarily for the purpose of determining immediate and long-range costs of land. Their listing was not necessarily intended to represent actual or even potential choices. Many of these sites are unacceptable because of conflict with certain criteria listed below.

A list of sites considered for the Detention Center in 1971 was also reviewed. One of the eight sites on that final list (near D.C. General Hospital) was finally selected for that center, leaving seven sites. Most of these remaining sites were less than the desired 40 acres.

Several additional sites not on these lists were also considered. Some of these sites were also less than 40 acres.

Land selection criteria

A number of criteria can be outlined for evaluating sites for correctional facilities:

1. *Relocation.*—The need to retain existing sound housing, and the need to retain businesses in the city, are both prime policy objectives of the District of Columbia. Sites requiring relocation of residences or businesses should receive low ratings. Any significant relocation should exclude the site from consideration.

2. *Open space.*—It is always a temptation to use existing open space—park and recreation land—for new public facilities. While the District and the Federal Government have spent years acquiring open space and a recreational system for the city, the recreation needs of the city are still unfulfilled. Open space is a land use. Space so dedicated cannot be considered as vacant land for building purposes.

It would be false economy to use open recreation space for these correctional facilities, therefore depriving the District's citizens and visitors to the Capital of needed amenities. This is not only a matter of District policy, since much of the open space in the city is Federal property. An effort to acquire such land for correctional facilities would also conflict with Federal policies.

3. *Community impact.*—Location of a community facility should, to the extent possible, be based on community impact and acceptance. In the case of these correctional facilities, this may be a moot point. No neighborhood is likely to welcome a major correctional facility. There is an obvious need for buffering and provision of ample open space and trees. Obviously, it would not be possible to provide the buffering of the kind that exists at Lorton, considering the limited size of potential sites in the District and the highly urbanized character of the city.

4. *Land conditions.*—Land for a correctional facility must be buildable. This means that it should be relatively level, and that soil conditions should be able to support the buildings without excessive cost. Hilly land, or land that has been created from landfill, are therefore questionable. Land fill land would need further checking. Some of the open space in the District which might be available must be rejected because of such conditions.

5. *Land acquisition costs.*—The cost of land is a capital item of the District budget. Land acquisition cost must be considered in evaluating site alternatives. When possible, acquisition costs should be minimized, particularly in high-cost urban situations. Moreover, the availability of lower cost land at Lorton is an important factor to be weighed.

6. *Land use impact.*—Several land use impact factors need to be considered. One is the question of compatibility with surrounding development. This involves both the matter of community acceptance in terms of perceived impacts, and possible direct impacts from traffic, noise, and air pollution.

A more important consideration involves the matter of optimum use of land of the city. The District's boundaries are fixed. It is therefore especially important to make the optimum use of existing land resources both in terms of

new development and in avoiding uses that would have adverse impacts on the urban environment.

Several sites that have been suggested are clearly in conflict with optimum land use policies. For example, using a portion of the Fort Lincoln tract would remove a significant amount of land which is to be developed for the Fort Lincoln New Town, just when that project is ready to move ahead. Use of the Harmony Cemetery site would conflict with plans to use that land, which is adjacent to a Metro station, for new development. In addition, zoning requirements need to be considered.

7. *Access.*—A correctional facility generates considerable traffic in terms of staff movements, movement of prisoners, receiving supplies and shipping out finished products and refuse, and visits by attorneys, friends, and relatives of the prisoners. Good automobile and truck access is therefore required. This access should be directly to the site, and should not require traffic to move over local residential streets to reach the facility. Access to the site by public transportation is also desirable.

Other facilities

The District Government conducts activities on sites outside of the limits of the city. All of these activities are on sites having over one hundred acres. The combined acreage for these activites is 5180.98, of which 120.83 acres are two landfills, and the remaining 3960.15 are used for institutional purposes. Excluding Lorton, the total for six other facilities is 1,680 (of which 120 are for landfill). This has occurred historically and is a product of local and Congressional awareness of the limitations on the use of District land. It is not unusual for such facilities to be located outside of the urban centers they serve.

Land use considerations

Several broad land use considerations must be weighed in discussing alternative sites for dispersing the Lorton facilities in the District.

The deterioration of the area of Washington located east of the Anacostia River has occurred at least in part due to the indiscriminate placement of certain public facilities in that part of the city. Rejuvenating large sections of Far Northeast and Far Southeast has become a major concern of the District. Unfortunately, this area also has several facilities for which new uses are being sought at the same time that consideration of an in-town site for Lorton is underway. The opportunity to improve the environment, status, and character of Far East Washington would be lost if a prison facility were to be located here. The image of Far East as "dumping ground" would be reinforced in concrete and steel.

Several sites owned by private institutions for their expansion are located in Upper Northeast Washington near Metro Stations. Development pressure inspired by the subway access could encourage the creation on these sites of live/work communities which require no automobile use for daily activities. Environmental goals and the goal of reinforcing the use of the subway, the region's largest capital project, dictate that this trend be encouraged. Locating a prison on sites near Metro stations and their proposed higher density neighborhoods would eliminate the possibility of providing housing on such sites. In Northwest Washington, the number of sites with sufficient acreage is severely limited unless one seeks out dedicated open spaces, particularly parkland. Nor is there sufficient acreage along the riot corridors without requiring massive displacement of residents. Two possible sites where substantial relocation of residents would be required were rejected at the outset and are not identified.

The development of Fort Lincoln New Town on land contributed by the Federal Government represents an undertaking by both national and local governments to provide high quality residential environments within the District. To use that site for a penal institution would require the abandonment of the promising Fort Lincoln project.

The only way that institutions requiring large tracts of land such as prisons can be developed on the few large tracts of land left in the District is to sacrifice opportunities for building new neighborhoods and for increasing industrial

employment. These opportunity costs are high even if the Federal government donates land for such facilities. Almost any land which the Federal government would declare surplus has been considered an appropriate site for residential neighborhoods and employment centers. In general, any land except parkland which is declared surplus has been considered as a generator of revenue in its new use.

Regional land use policy

A basic principle, with respect to Lorton, is one of a regional approach with respect to regional needs. The District has been sensitive to regional concerns in the management of Lorton and has made heavy investments in the maintenance of security in the institution. In addition, Lorton improvement plan calls for a substantial additional expenditures for security and protection of the environment. In requesting the relocation of Lorton, Fairfax County is advancing the concept that, in effect, suggests that all of a city's facilities should be located within its boundaries. Yet, this concept does not really make sense for the District of Columbia which has state-level responsibilities, as well as purely municipal ones. Operating a penal system is such a state-level responsibility.

It is not uncommon for cities to have facilities outside their boundaries, such as water supply intakes, sewerage plants, waste disposal, recreation lands, and specialized institutions. There also are instances where institutions of one juridiction provide services to other jurisdictions. There is another point that is relevant. Suburban areas outside central cities receive significant benefits from their location. They should also be prepared to accept certain responsibilities as well, for proper functioning of the metropolitan region. The District has always been prepared to shoulder such metropolitan obligations as they emerge.

Evaluation of sites

Sites that have been suggested by the Department of Corrections and the sites previously considered for the detention center are examined below. In addition, fifteen other "hypothetical" sites were also reviewed. It should be clear that these are preliminary reviews. Even so, the high adverse impacts of a decision to acquire such sites within the District for parts of a penal institution are self-evident.

Department of corrections sites

The Department of Corrections outlined 14 sites for consideration. Note that these were selected to determine land costs, and were not necessarily to represent proposed sites. In our initial review, two sites were dropped because of relocation impact problems.

Site G–1.—This is part of Anacostia-Bolling tract north of Portland Street. Present plans call for this area to be developed for military offices and other uses. The District would like to acquire part of the Anacostia-Bolling tract north of this site for housing, industrial development, and community facilities and recreation space. The Defense Department has resisted such efforts. Much of this land is filled and some is on the floodplain. If land were available, the possibility of utilizing the land for major buildings would have to be determined.

Site G–2.—This site is located between the Anacostia Freeway and the Anacostia River. This is Park Service land that has been used for Navy purposes. Park Service plans calls for developing the land for park purposes. At the minimum, the site would have to be decreased to allow park land along the river. Such use would conflict with city and Federal goals to obtain additional recreational space. Since this is filled land, questions of suitability would have to be considered.

Site G–3.—This site requires over half of Fort Stanton Park, plus some private property. Acquisition of this site would also remove needed open space.

Site G–4.—This site requires about one-third of Fort Dupont Park. As with several previous sites, such a transfer would be detrimental to community and Federal recreation goals.

Site G-5.—This site requires all of Fort Mahan Park, which is operated by the Park Service. This hilly site probably would be unbuildable.

Site G-6.—This site would require the taking of the southeast corner of the National Arboretum, owned and operated by the Department of Agriculture. The Arboretum is an important scientific and cultural resource for the Nation and the District. The Arboretum is part of an open space complex at the northeast edge of the District which includes Anacostia Park and the Kenilworth Aquatic Gardens. A correctional facility at this location would seriously impair the full utilization of that open space complex.

Site G-7.—This is the northwest corner of the Fort Lincoln tract. It includes the land where a public housing building for the elderly and a new elementary school have recently been completed. The entire Fort Lincoln project, which will provide new housing and related community facilities for 16,000 people, is now moving ahead. Taking this land for a correctional facility, or any other part of the Fort Lincoln tract, would require major plan revision. It would probably so adversely affect the marketability of the project that Fort Lincoln New Town would never be built.

Site G-8.—Not reviewed because of relocation problems.

Site G-9.—This site includes part of the Fort Drive System, the Metro station site at Fort Totten, land now used for industry, and several blocks of semi-detached homes. This land is also clearly not acceptable for a correctional facility.

Site G-10.—The site is in Rock Creek Park and serves city-wide and Federal recreational needs and goals.

Site G-11.—The site would take over half of the width of Glover-Archbold Park just south of New Mexico Avenue. Glover-Archbold Park is a narrow stream valley park. The topography is not suitable for a facility. It serves as a recreation resource and as a natural buffer between neighborhoods. The terms of its grant to the nation precludes non-park use.

Site G-12.—This is the Miller site on the District line, plus some single family homes. Plans are underway for development of the tract for new housing which will be compatible with surrounding development.

Site G-13.—This Federal property is part of Soldier's Home but is isolated by North Capitol Street. It is now vacant, and used as a nursery. The site is bordered on the east by the Shrine of the Immaculate Conception and Catholic University, and on the north by Augustinian College.

Site G-14.—Deleted because of relocation problems.

Detention center sites

The search for a detention center site was narrowed down to seven sites of which one was selected. The other seven could be considered for a correctional facility, although most fall below the 40 acre criteria. They are briefly reviewed below.

Site D-1.—This is the "Catholic Sisters" property north and south of Buchanan Street. The total site was 30 acres, though split by Buchanan Street. The land immediately north of Buchanan Street is being developed for residential use. Plans have been outlined for development of the southern tract.

Site D-2.—This is the Harmony Cemetery Site. The previous study identified 24 acres as being available. However, this prime site is adjacent to the Rhode Island Metro Station. It would better be used for new development, as now proposed, rather than a correctional facility. There would be substantial community opposition from area residents.

Site D-3.—The present Receiving Home site consists of 3 acres. This land could be expanded to 10 acres by removing residential property, but it nevertheless would be too small. Use of this land in the New York Avenue corridor for new industrial development would be preferable.

Site D-4.—This "Parkside" site is a narrow site of approximately 50 acres along the Anacostia River, and is part of Anacostia Park. As in other places where park conversion is projected, there would be community and Park

Service objections to its removal from potential park use and the consequent elimination of needed recreation space.

Site D–5.—This site is the present D.C. Tree Nursery. It is landfill. The site consists of approximately 32 acres. It is just east of Site G–2. In reality, the site would have to be reduced to allow for the park drive along the river. Use of this site for a corrections center would remove open space along the river developed over many years.

Site D–6.—This is a portion of the Bolling site, south of Site G–1. However, it is already being developed for military housing.

Site D–7.—This 45 acre landfill site is directly south of D.C. Village at the southern corner of the District. Further information must be developed on the suitability of the landfill for major construction.

Additional sites

In addition to considering the sites previously suggested, a search has also been made of other *possible* sites. These are described (to the extent information is available) below. Many of these sites obviously are too small, or would cause problems making use for a penal facility unacceptable. They are outlined here to examine all options.

Site O–1.—Part of the St. Elizabeths Hospital tract could possibly be used for a correctional facility.

Site O–2.—The Camp Sims site might be used after the D.C. Guard is relocated. The site has been considered for housing or for a community facility. Part of the site is steeply slooping and unbuildable.

Site O–3.—The Wilbern tract (29 acres) might be used. However, housing is proposed for that site.

Site O–4.—Part of the Navy Yard, which is surplus land, might be used for a correctional facility. Long range plans now call for new Federal offices. The District has suggested consideration of new housing and commercial development in addition to officies. This is prime land which seems better used for new development.

Site O–5.—The D.C. Village site (54 acres) is not being used since D.C. Village was closed. It is possible site for a new correctional facility.

Site O–6.—The Knox tract (9.14 acres) is a former public housing site which has been cleared. New housing is proposed. A new correctional facility here would be in the center of a residential area.

Site O–7.—The Parkside site (22 acres) west of the Anacostia Freeway is another former public housing site which has been cleared. New housing and commercial development is proposed.

Site O–8.—Part of the main portion of Soldiers Home could be used if the land could be obtained from the Federal Government.

Site O–9.—The Catholic University property north of Taylor Street (40 acres) is a possible site. The land has a relatively steep slope, making building more difficult.

Site O–10.—The Trinity College property (25 acres) is bordered by major arterial streets (North Capitol Street, Irving Street, Michigan Avenue) and might be suitable for a small facility.

Site O–11.—The St. Anselms Abbey site on the District line is a possibility. Land available would range from 10 to 45 acres, depending on how much the order wished to sell.

Site O–12.—The Tregaron site (38 acres) is an estate on the south edge of Cleveland Park. 17.67 acres presently occupied by the Republic of China.

Site O–13.—The estate north of Reservoir Road, bounded by Glover-Archbold Park and Whitehaven Parkway. We understand the French Government has purchased part of the site for a new embassy.

Site O–14.—Several estates along Foxhall Road. Land costs would be high.

Site O–15.—All or part of the McLean Gardens site. High land costs and extensive displacement would rule out this site.

G - Sites outlined by Department of Corrections

~~D~~ - Sites considered for Detention Center

O - Other possible sites

PAST SITE LOCATION EFFORTS

In 1971, the New Detention Center was undergoing preliminary design work. At that time, the Dillingham Corporation, under contract to the District, issued a series of reports detailing technical criteria for the construction of the New Detention Center. Among the factors considered in this series of reports was site location.

Over 100 sites were reviewed as potential locations for the new facility. Nine acres was considered to be optimum for a detention structure. Consequently, a great many of the sites surveyed would not be applicable for a long-term sentencing institution requiring between 35 and 40 acres.

The original list of 100 sites was eventually pared down to 18. Of these: 3 were in the near Northwest, in the general vicinity of North Capitol Street. 8 were scattered in the Norteast. 7 were in Southeast and Anacostia. Consequently, Southwest, containing a relatively small amount of territory, and the vast bulk of the Northwest remained untouched.

The listing of 18 locations was further reduced to eight selections—three in Northeast and five in Southeast and Anacostia. Of these, of course, one was finally selected for the New Detention Center in the vicinity of the existing Jail and D.C. General Hospital. This leaves seven of those sites originally surveyed as applicable for consideration in the location of a sentencing institution.

A number of factors were originally used to rate sites, including availability, compatibility with surrounding uses, accessibility, cost, and special development factors. All of these are valuable in terms of criteria for judging the location and construction of a sentencing institution. However, approximately 45% of the original rating scale cannot be employed here, since it included items relating to a different size parcel, location with respect to the Courts, and community acceptability. The last has not been used as a criterion, since the entire rationale behind the proposed Scott Bill is the unacceptability of Lorton to Fairfax County. It can only be projected that by removing five or possibly seven sentencing institutions to the District of Columbia and bringing them into more direct contact with adjoining commercial and residential uses, the level of opposition can only climb in geometric proportions. Community acceptability is, therefore, a moot point.

It is interesting to note, however, that virtually all of the eight sites surveyed in the final study required some type of screening or protection from adjoining uses so as to render the Detention Center less objectionable. This, of course, does not pertain at Lorton.

The following is a brief analysis of the findings on the seven sites contained in the Dillingham Report as it pertains to the current purpose:

1. Anacostia Tree Nursey: This location is nearly big enough (32 acres), but will entail added cost due to the fact that it is on top of a former land fill. It was viewed by Dillingham to be marginally compatible with surrounding uses, and considerable competition was expected from the National Park Service because of park conversion plans.

2. Blue Plains: Is also sufficiently large (45 acres), but major development costs would be incurred because any structure would have to be built on a land fill area situated over a former marsh. The site has poor accessibility and objection is expected to be raised because of its location adjacent to the Sewer Treatment Plant. There was also discussion of Park Service interest in this area.

3. Bolling Air Force Base: This site contains 144 acres. It would have to be obtained from the military. At the present time, it is relatively unaccessible. There would be no major special development factors.

4. Harmony Cemetery: This site is too small (24 acres), and contains some slope problems. In conjunction with METRO construction, it was planned as a major commercial center. The combination of slope problems and size would render it virtually unusable for a sentencing institution.

5. New York Avenue Receiving Home: This site is situated on only three acres, and an additional six would have had to have been added for the New Detention Center. The cost of acquisition alone in 1971 was estimated at $2,764,000. It is adjacent to Gallaudet College, a non-compatible use.

6. Parkside: This site is big enough (50 acres). Any structure, however, would be located on a former land fill, causing building problems and increased cost. Access would be difficult and competing uses were noted as being Housing Authority and the Park Service.

7. Riggs Road, Puerto Rico and Sixth: This site is nearly big enough (30 acres). However, half of it would have to be acquired from the Catholic Sisters College. Cost was, therefore, estimated to be high, with the attitude of the Catholic Sisters College unknown. Accessibility was rated as poor.

Of the seven sites surveyed by Dillingham, three were thus too small, each requiring additional acquisition to permit the construction of a sentencing institution. Three or possibly four of the sites have competing Federal interests involved. The attitude of the Federal government is unknown, but if past policies are any indication, equal trade of land will be sought. Two locations were incompatible with adjacent educational institution uses. All of the sites had one factor or another militating against them in 1971 for the construction of a detention center. These problems can only be exaggerated in attempts to locate a 35–40 acre sentencing institution. The seven sites are reasonably representative of possibilities in the Northeast and Southeast/Anacostia.

MEMORANDUM

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
GENERAL SERVICES,
June 4, 1975.

To: Delbert C. Jackson, Director of Corrections.
From: Sam D. Starobin, Director.
Subject: Replacement of Lorton Operations within the District of Columbia, Reference Number 1153.00.

This is in response to an oral request by Mr. John E. Ostrowski (ext. 4782) of your department to Mr. Donald L. Croll (ext. 4481) of my department on May 30, 1975. We understand this is needed by Mr. Julian R. Dugas for testimony on the Hill June 4 or 5, 1975 related to proposed legislation which would require the District to move its operations from the Lorton Complex to locations within the District.

Mr. Ostrowski gave us a map showing general locations of fourteen sites of 40 acres each. After examining the plats and sites in the field, we have taken the liberty to make some changes in locations to better conform with existing land uses.

Due to the extremely short time permitted to prepare these estimates, they are not as accurate as we would like but are probably sufficient for these purposes.

As you are probably aware all of these sites would be strongly resisted by one or more groups.

We have not contacted any of the affected Federal Agencies but, based upon past experience, we could reliably predict that each would be heatedly opposed and they would expect a quid pro quo if persuaded to transfer subject lands to the District.

All families and businesses to be displaced or which would be in close proximity of the site would predictably object to those sites.

Thus, we are forwarding the information because it was requested but we do not endorse any of the sites as being reasonably available.

We assume these 14 sites of approximately 40 acres each would take care of all of the Department of Corrections needs. We assume also that you will furnish estimates for the costs of constructing new facilities on these sites since we have not been requested to furnish such information.

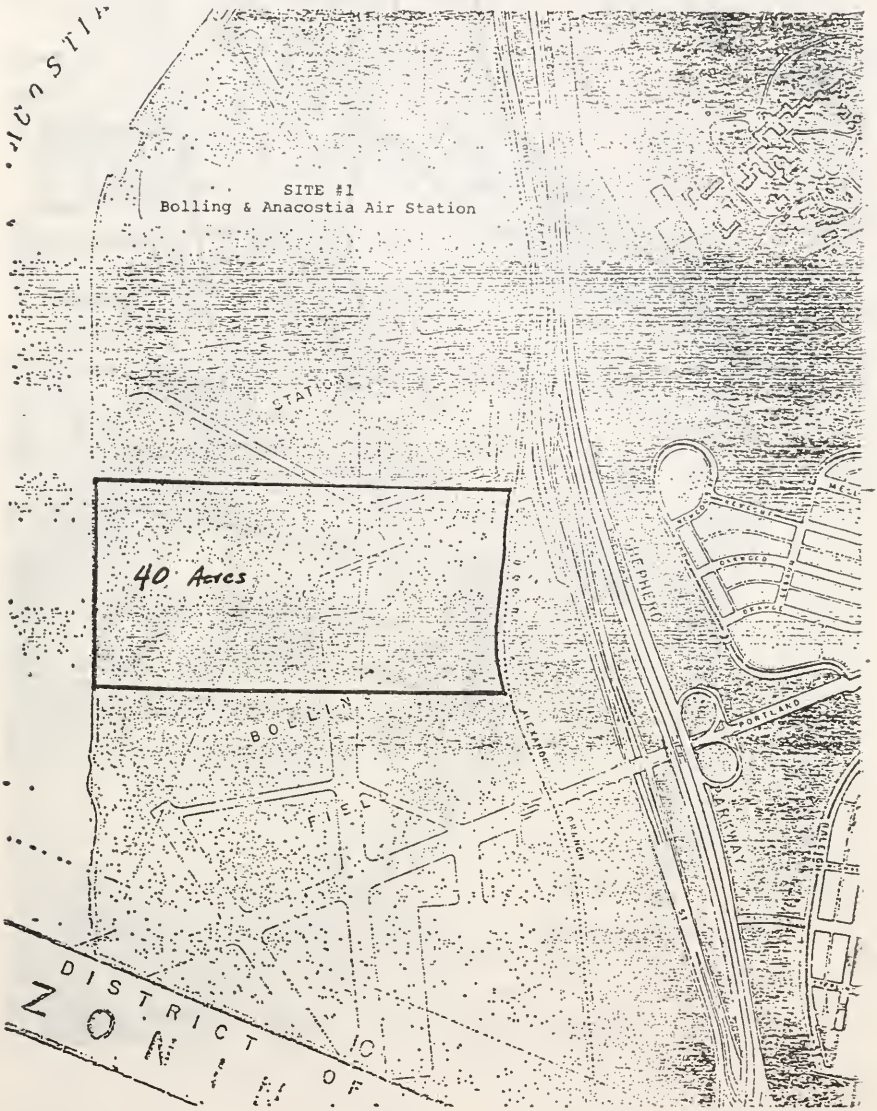
We strongly recommend that the presentation also make it clear that your estimates include only those costs related to your department's activities and do not include the costs of relocating the Rehabilitation Center for Alcoholics, the Sanitary Landfill operation or the Police Rifle and Gas Ranges.

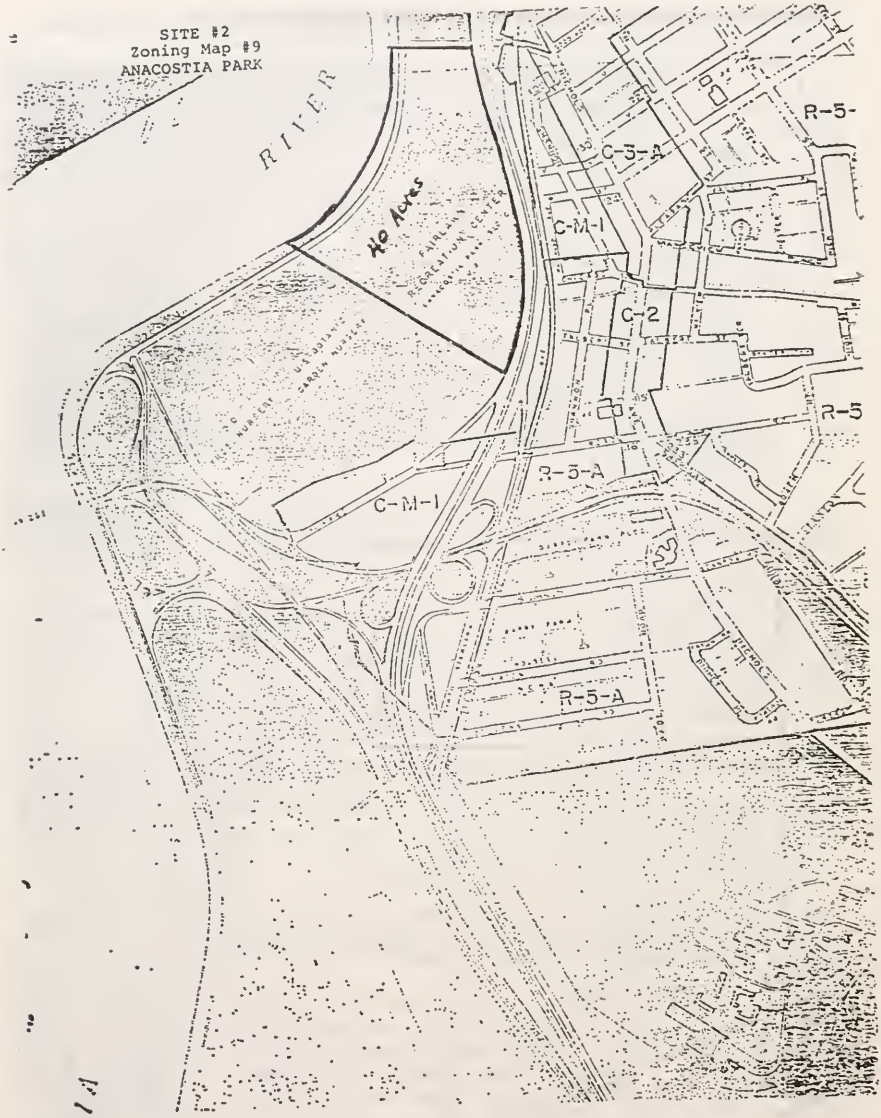
Forwarded herewith are: Exhibit I—Plats and maps showing each proposed site; exhibit II—Word descriptions and comments related to each site; and exhibit III—Summary of estimated acquisition costs and relocation of families, individuals and businesses and tax assessments and annual real estate tax loss for each site.

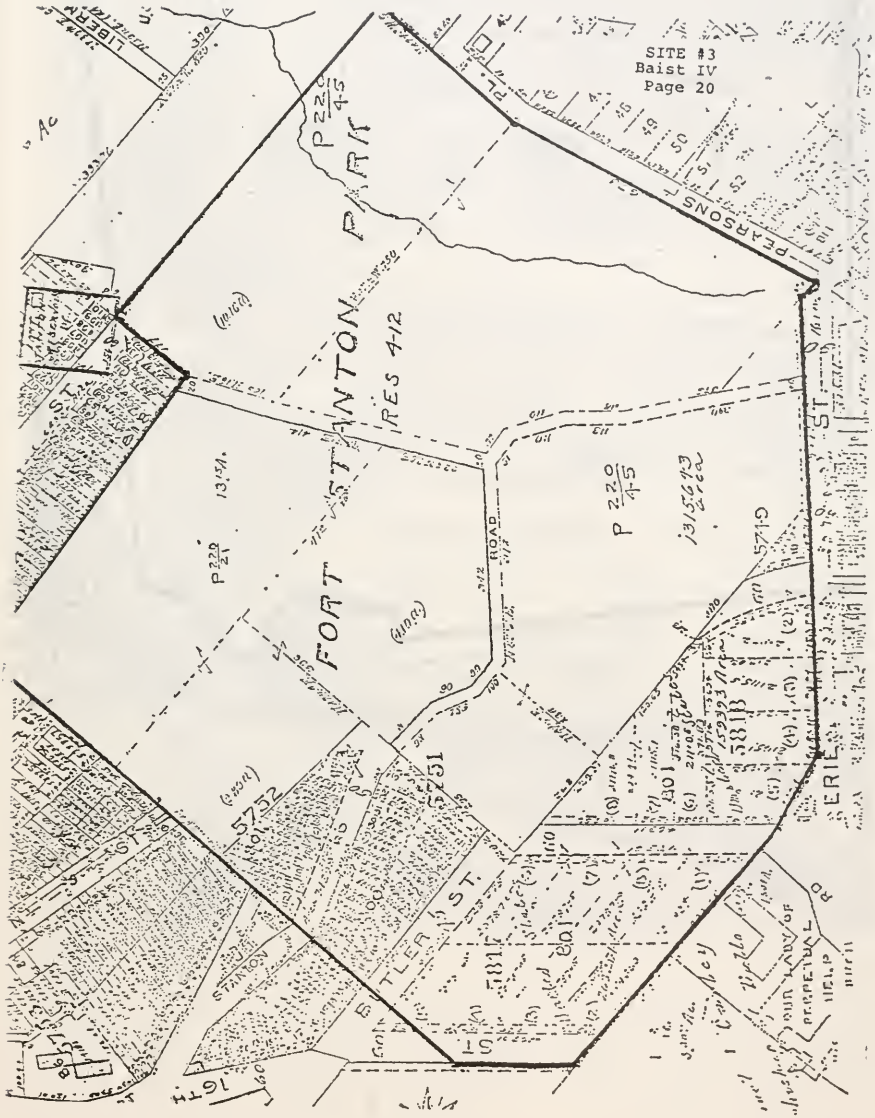
Please feel free to have your staff contact Mr. Croll if you have any questions concerning this.

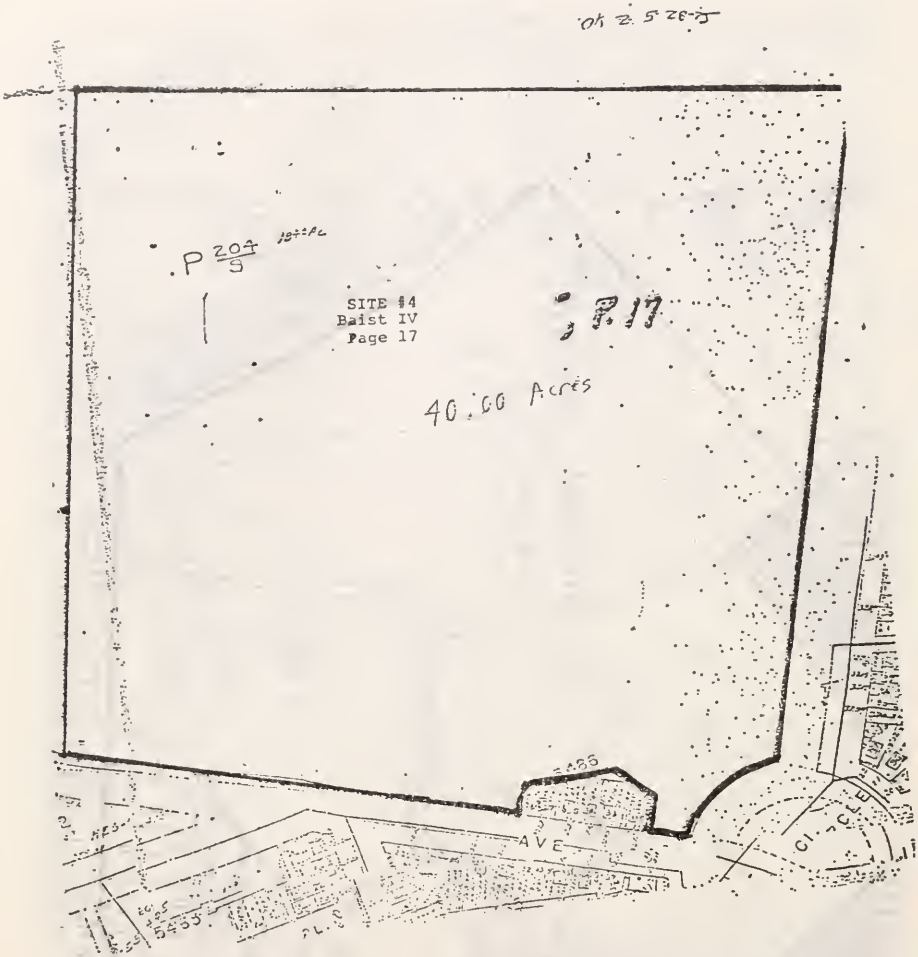
Attachments.

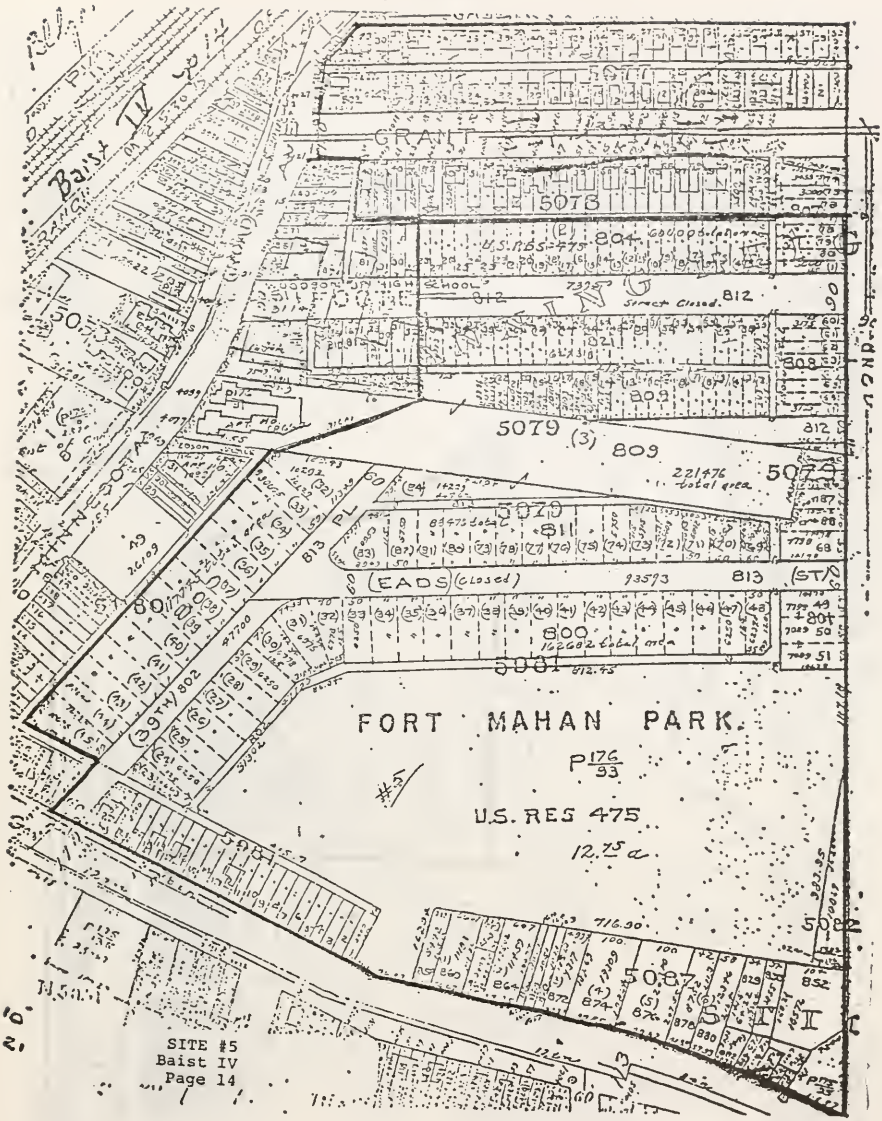
EXHIBIT I.—PLATS AND MAPS FOR 14 SITES APPROXIMATELY 40 ACRES EACH




SITE #2
Zoning Map #9
ANACOSTIA PARK
RIVER
40 Acres
FAIRLAWN
RECREATION CENTER
C-3-A
C-M-1
C-2
R-5-
R-5
R-5-A
C-M-1
R-5-A


SITE #3
Baist IV
Page 20
PEARSONS
FORT STANTON PARK
RES 4-12
ROAD
TLER ST.
STANTON
16TH
LIBERTY
5751
5752
5771-G


SITE #4
Baist IV
Page 17
40.00 Acres
AVE
CIRCLE


GRANT
5078
804
812
809
5079
(3)
221476 total area
811
(EADS) (closed)
93573
813 (ST)
800
122682 total area
5081
FORT MAHAN PARK
P 176/93
U.S. RES 475
12.75 a
716.90
5087
SITE #5
Baist IV
Page 14

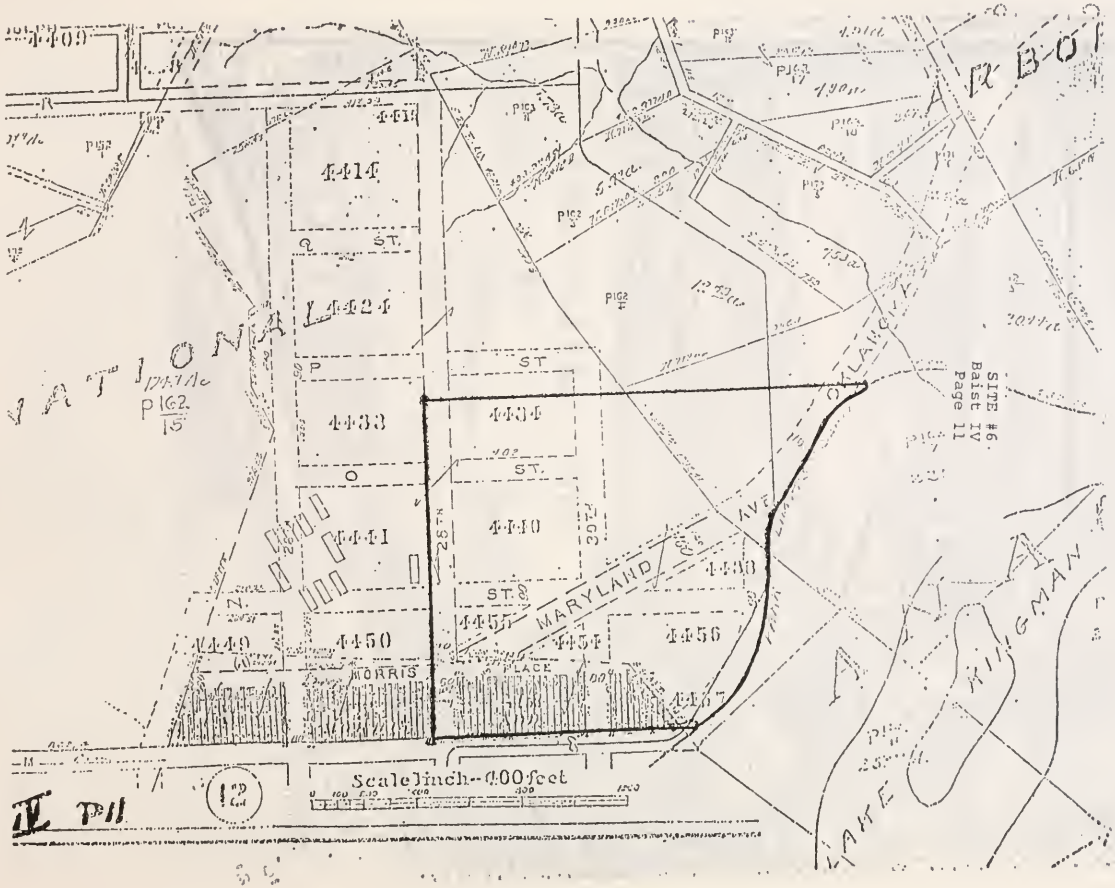
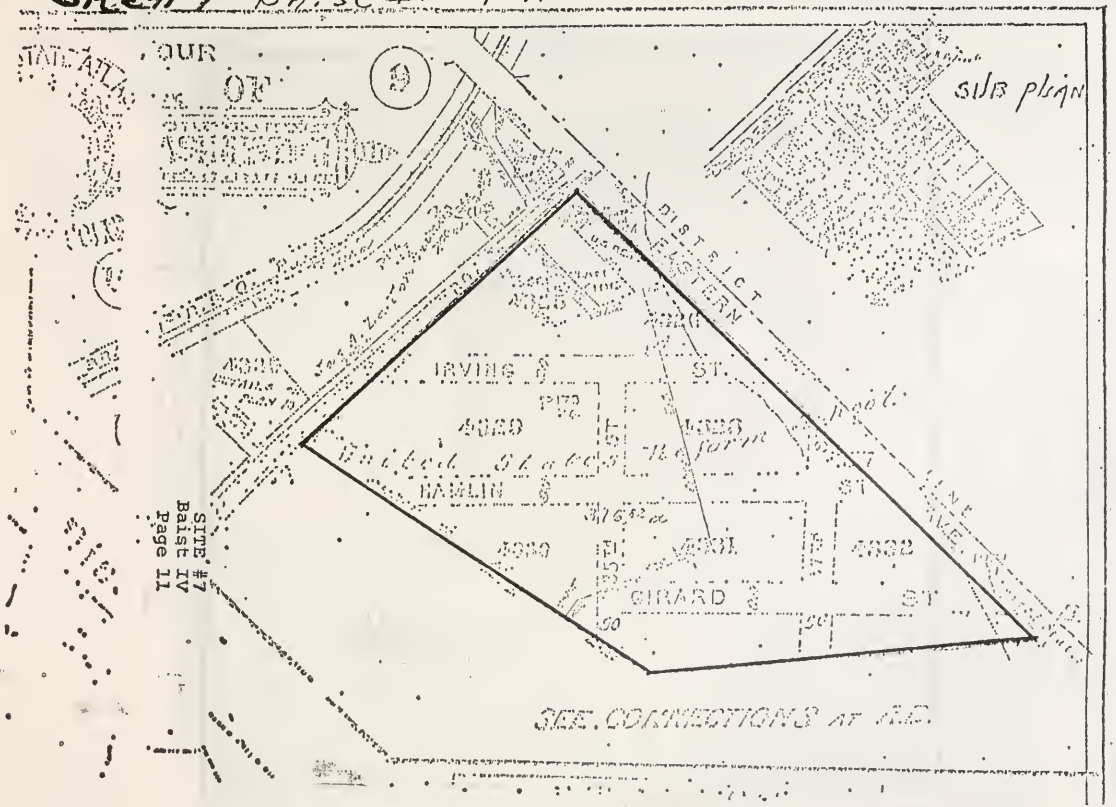
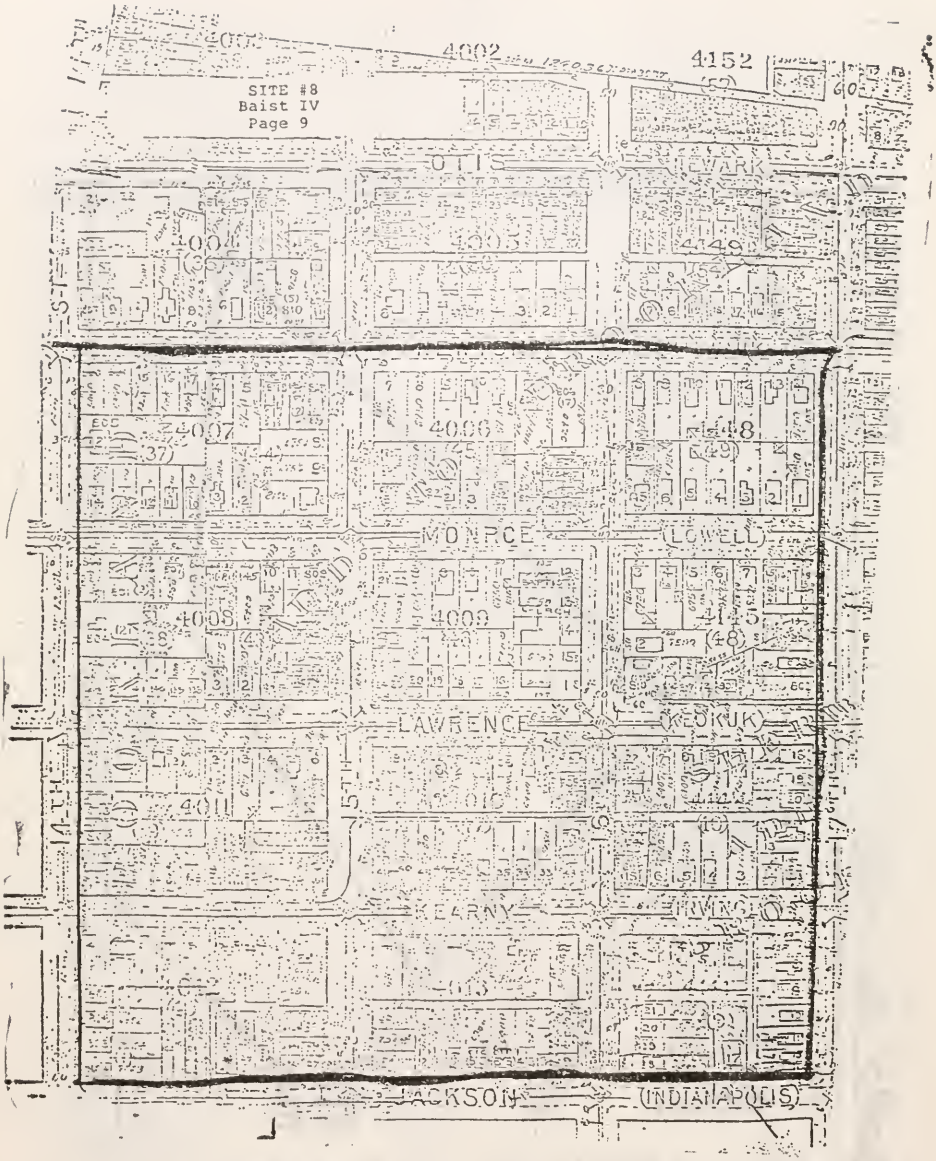
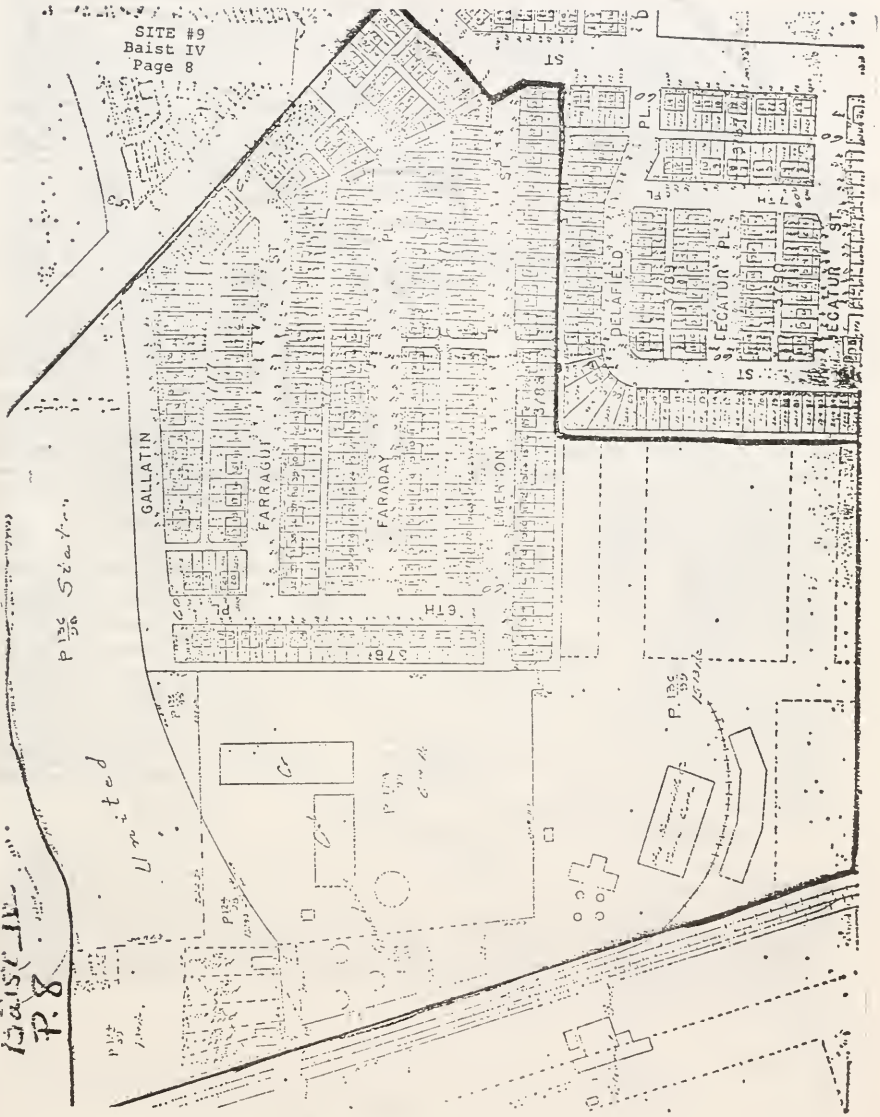

SITE #6.
Baist IV
Page 11
4409
4411
4414
4424
4433
4434
4440
4441
4449
4450
4455
4454
4456
4457
4458
ST.
MARYLAND
AVE
MORRIS
PLACE
LANCIA
KILLGMAN
LAKE
Scale 1 inch = 400 feet
12

PLATE II

Site #7 Baist IV P 11




SITE #8
Baist IV
Page 9
4002
4152
OTIS
NEWARK
4006
4007
4008
4009
4011
4148
4145
MONROE
LOWELL
LAWRENCE
KEOKUK
KEARNY
IRVING
JACKSON
INDIANAPOLIS
14TH
5TH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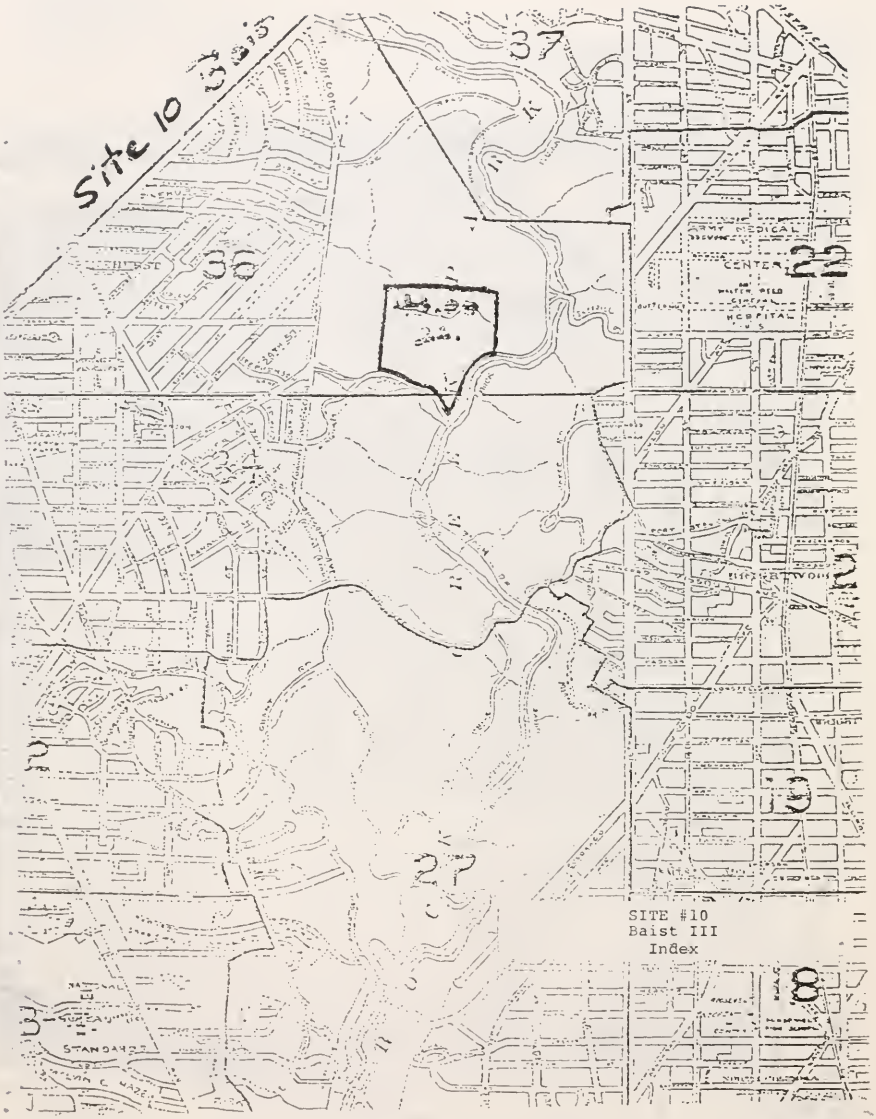

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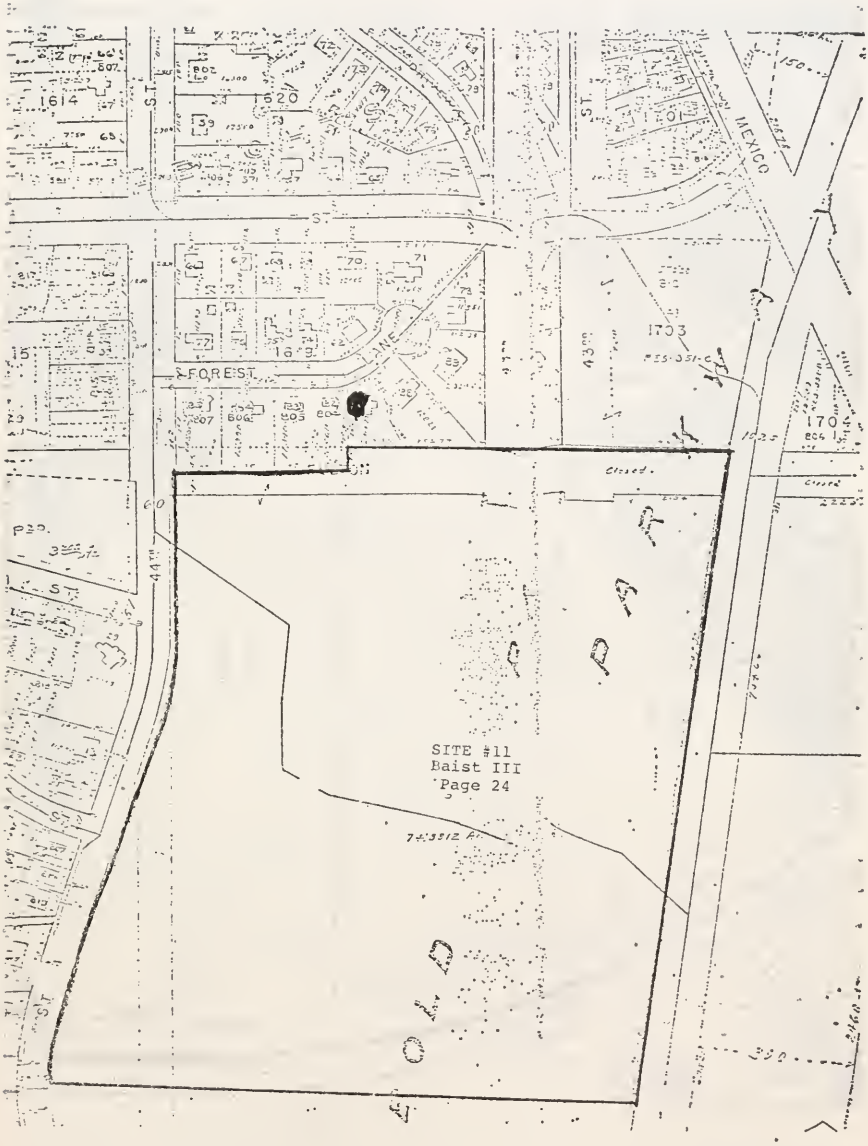
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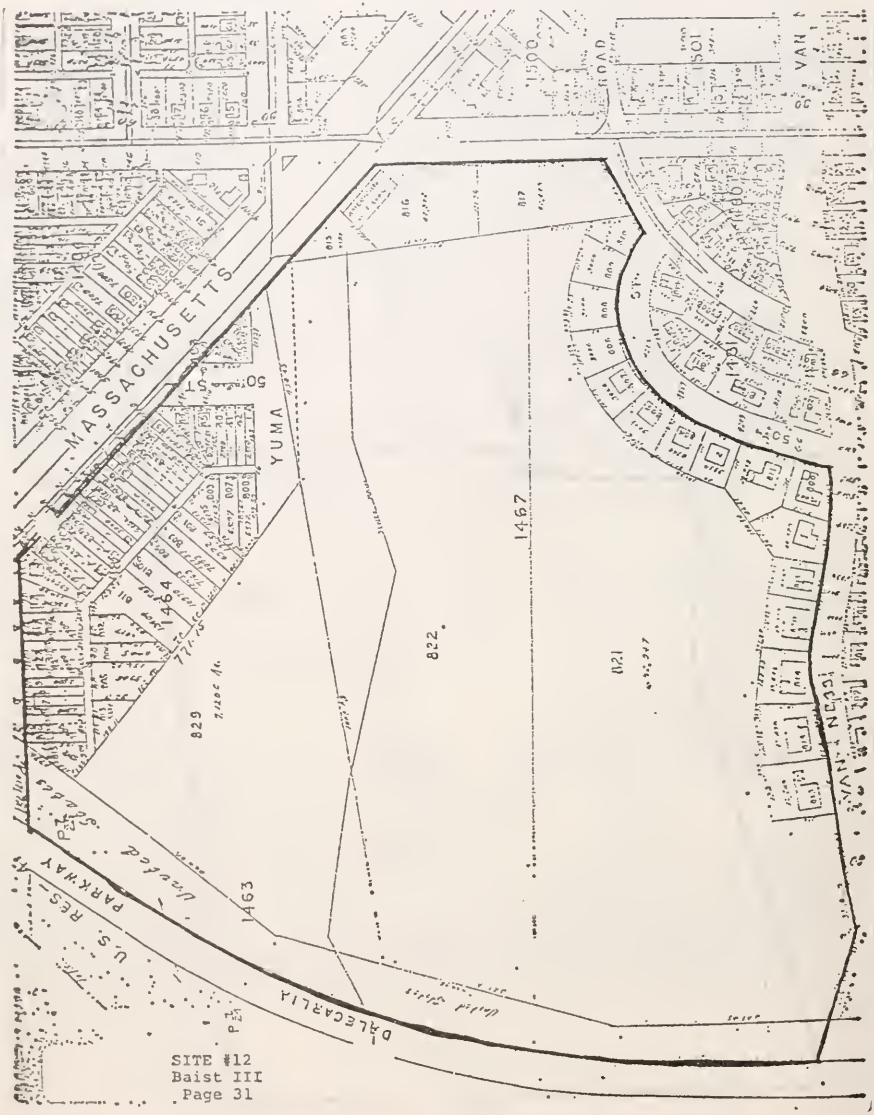

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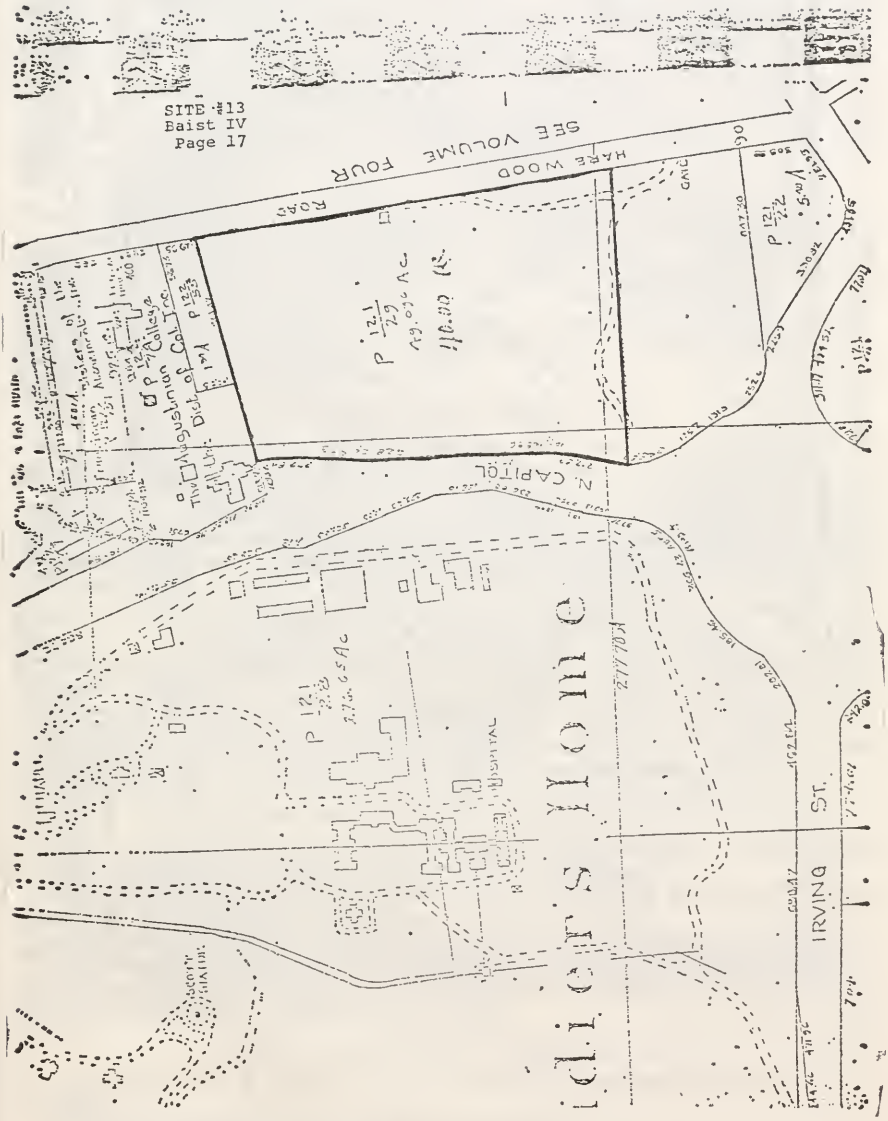
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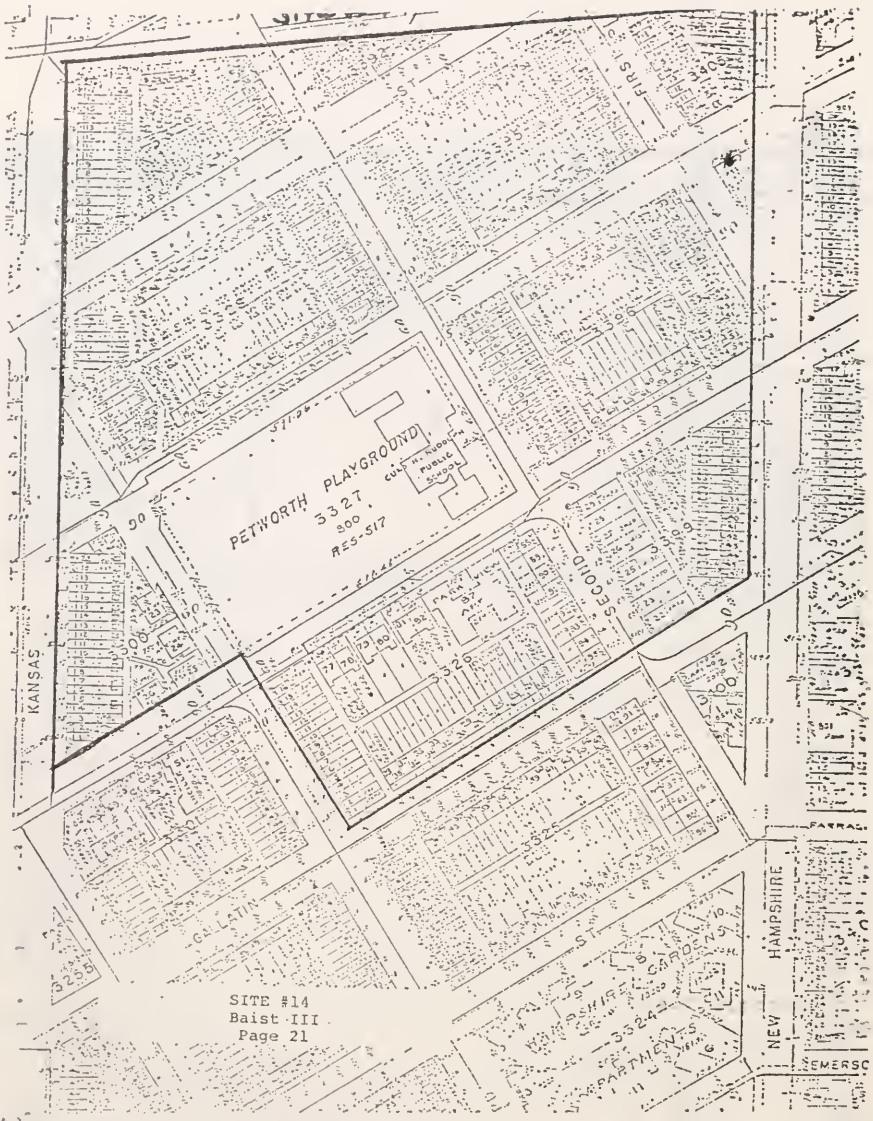
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KANSAS
FIRST
SECOND
NEW HAMPSHIRE
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3324
APARTMENTS
CARDOZO
SITE #14
Baist III
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Exhibit II.—Word Description and Comments Related to Each Site

SITE NO. 1—ANACOSTIA—BOLLING—S.W.

Located between B&O Railroad Branch and the Anacostia River in vicinity north of Portland Street.

45 acres (1,960,200 sq. ft.) where old U.S. Naval Air Station runway joins the old Bolling Field runway.

Zoning was assumed to be C–M–2 at $3.00 per sq. ft. fair market value.

There were no building improvements.

We have been advised by the Navy that the Armed Services Committee of Congress has required the District to relocate other existing District activities from this military complex.

SITE NO. 2—ANACOSTIA PARK—FAIRLAWN RECREATION CENTER, S.E.

40 acres (1,742,400 sq. ft.) located between Anacostia River and Anacostia Freeway south of the 11th Street Bridge approaches.

This is the old Navy School Site and is presently improved with the Defense Intelligence Language School.

The WW II temporary type buildings are considered of no value—all the value is in the land at $3.00 per sq. ft. based upon assumed zoning of C–M–2.

No relocation cost was included.

SITE NO. 3—FORT STANTON, S.E.

41+ acres (1,800,000 sq. ft.) irregular shaped tract located between Erie Street and W Street extended and west of Pearson Place.

Assumed zoning of R–5–A.

There were 3 buildings noted. 1 school, 2 recreation buildings and a swimming pool. By moving this site north and east these buildings can be avoided.

Assumed a zoning variance would be granted to build to R–4 specifications of 18′ wide, 1800 sq. ft., which would yield 1,000 sites at $3,500 each.

SITE NO. 4—FORT DUPONT PARK, S.E.

Located north of Minnesota Avenue and west of Massachusetts Avenue part of Parcel 204/9.

41+ acres (1,800,000 sq. ft.) assumed zoned R–5–A.

No buildings or other improvements were noted.

Assumed a zoning variance would be granted to build to R–4 specifications of 18′ wide, 1800 sq. ft., which would yield 1,000 sites at $4,500 each.

SITE NO. 5—FORT MAHAN PARK, N.E.

Approximately 41+ acres (1,800,000 sq. ft.) irregular shaped tract located between Benning Road and Grant Street, west of 42nd Street.

Being U.S. Reservation 475 (Parcel 176/93) and part of Squares 5078, 5079, 5080, 5081, 5082 and 5087. Zoned C–3–A and R–5–A.

Improved by 4 brick two-story residences and will cost $33,230 for relocation.

Assumed a zoning variance would be granted to build to R–4 specifications of 18′ wide, 1800 sq. ft. which would yield 1,000 sites at $4,500 each. An additional $250,000 was added for 4 single family houses.

SITE NO. 6—NATIONAL ARBORETUM, N.E.

Located north of M Street and west of the Anacostia River, part of several Parcels.

41+ acres (1,800,000 sq. ft.) assumed zoned R–5–A.

There were 7 buildings noted.

However a site could be located to the north and east that would not require acquisition of the buildings.

Assumed a zoning variance would be granted to build to R–4 specifications of 18′ wide, 1800 sq. ft. which would yield 1,000 sites at $3,500,000 each.

SITE NO. 7—FORT LINCOLN NEW TOWN, N.E.

Located south of the intersection of Eastern Avenue and Bladensburg Road.

41+ acres (1,800,000 sq. ft.) being a part of Parcel 173/80 is improved with 19 houses. R–4 zoning was assumed except for approximately 104,000 sq. ft. which has the 19 houses and is actually zoned C–M–1 and borders on Bladensburg Road.

Existing houses were estimated at $32,500 each and the balance of the site was estimated at 1800 sq. ft. sites at $3,500 each.

The cost of relocating from the 19 houses was estimated to be $88,905.

SITE NO. 8—BROOKLAND, N.E.

Bounded by Jackson, Newton, 14th and 17th Streets.

This is comprised of all of Squares 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4141, 4144, 4145 and 4148.

There are 217 residences of all types, 1 church and church school.

The estimated cost of relocation is $1,655,760.

SITE NO. 9—FORT TOTTEN PARK, N.E.

Approximately 40 acres, irregular shaped tract, roughly between B&O Railroad, South Dakota Avenue, Galloway Street and Decatur Street extended.

Comprised of all of Squares 3781, 3781, 3776 and 3777, part of Square 3788 and several Parcels.

This would require 452 residences which are brick, semi-detached and 3-unit brick row houses.

This would also include the acquisition of facilities owned or occupied by the BP Oil Company, U.S. Park land, Thomas Somerville Company, Mahoney Concrete, a laundry at 500 Emerson Street and Boyd's Roofing.

The total relocation cost would be $3,677,860.

SITE NO. 10—ROCK CREEK PARK, N.W.

40 acres (1,745,000 sq. ft.) irregular shaped tract, north of Bingham Drive and Beach Drive.

Assumed zoned R–1–B which requires a site of 5,000 sq. ft. and would yield 349 sites at $10,000 per site.

No buildings or improvements were noted.

SITE NO. 11—GLOVER-ARCHBOLD PARKWAY, N.H.

Located between 42nd Street (Arizona Avenue) and 44th Street, south of Fulton Street extended.

Part of Parcel 304/9.

No buildings or other improvements noted.

41+ acres (1,800,000 sq. ft.) zoned R–5–A.

Assumed a variance to build to R–4 specifications of 18′ wide, 1800 sq. ft., which would yield 1,000 sites at $7,500 each.

SITE NO. 12—SPRING VALLEY, N.W.

41+ acres (1,800,000 sq. ft.) irregular shaped tract, bounded by Dalecarlia Parkway, Massachusetts Avenue, 49th Street, Fordham Road, 50th Street and Van Ness Street. Zoned R–1–A, R–1–B and C–2–A.

Improved with 20 deluxe type brick and stone ramblers & colonials.

Estimated cost of relocation is $195,480.

SITE NO. 13—SOLDIERS HOME, N.E.

Located between Harewood Road and North Capitol Street, south of the Augustinian College, being a part of Parcel 121/29.

41+ acres (1,800,000 sq. ft.) zoned R–5–A.

No buildings or other improvements were noted.

Assumed a zoning variance would be granted to build to R–4 specifications of 18′ wide, 1800 sq. ft., which would yield 1,000 sites at $4,500 each.

SITE NO. 14—PETWORTH, N.W.

Irregular shaped tract bounded by Missouri Avenue, New Hampshire Avenue, Gallatin Street, Third Street, Hamilton Street and Kansas Avenue. Being all of Squares 3300, 3326, 3327 (Reservation 517), 3328, 3329, 3392, 3395, 3396, 3399 and 3405 and Parcel 113/32.

This would require the relocation of 297 single family units and 6 apartment houses containing 166 units. This relocation is estimated to cost $2,264,355.

This would also require the termination or replacement of Petworth Playground, Rudolph Elementary School and a small park located at Kansas Avenue and Ingraham Street.

The 297 single family brick, 2-story residences were estimated at $45,000 each.

The 166 apartments were estimated at $10,000 each.

The school and playground land was estimated at $3,000,000.

EXHIBIT III

Site No.	Relocation			Assessed value	Annual real estate tax loss [1]	Acquisition cost
	Families	Individuals	Businesses			
1	NA	NA	NA	2,709,000	NA	6,000,000
2	NA	NA	NA	1,347,600	NA	5,266,000
3	NA	NA	NA	712,303	NA	3,512,000
4	NA	NA	NA	712,303	NA	4,500,000
5	4	1	0	[2] 967,378	1,440	4,332,000
6	NA	NA	NA	2,814,360	NA	3,500,000
7	19	6	0	[3] 1,228,000	5,832	4,146,000
8	217	107	1	4,415,389	80,800	13,394,000
9	458	132	5	[4] 12,200,671	204,961	22,967,000
10	NA	NA	NA	799,760	NA	3,500,000
11	NA	NA	NA	1,353,460	NA	7,500,000
12	20	0	1	5,650,298	103,400	8,016,000
13	NA	NA	NA	676,720	NA	4,500,000
14	457	175	0	10,326,204	188,969	23,088,000
Total	1,175	421	7	45,913,446	585,402	114,221,000

[1] Based upon $1.83 per $100 of fair market value using 1976 assessment figures.
[2] 888,595 public plus 78,783 private (taxable).
[3] —,306 Public plus 318,694 private (taxable).
[4] 1,000,000 public plus 11,200,671 private (taxable).

Appendix XI

Taxable & Exempt Property in the District of Columbia

TABLE 8.—REAL ESTATE ASSESSMENTS, DISTRICT OF COLUMBIA TAXABLE, EXEMPT, AND TOTALS, FISCAL YEAR 1975

	Assessed values					Percent of land area	Percent of land value	Percent of total value	Number of items
	Total acres	Land	Improvements	Total value	Tax				
	Taxable Property								
Total taxable	13,646.7605	$1,605,731,611	$2,312,086,838	$3,917,818,449	$130,071,579	44.5	42.8	49.9	136,770
	Exempt property								
United States	13,280.2348	1,782,417,611	1,185,867,921	2,968,285,746	98,547,087	43.3	47.5	37.8	4,173
District of Columbia	1,361.1595	99,874,283	216,097,078	315,971,361	10,940,249	4.4	2.6	4.0	1,217
Other exempt:									
Religious	648.0443	57,026,956	112,373,860	169,400,816	5,624,107				1,440
Educational	560.9379	64,685,909	85,466,122	150,152,031	4,985,047				345
Foreign	211.4351	20,929,580	31,638,309	52,567,889	1,745,254				441
Charitable	148.5880	10,804,541	14,574,255	25,378,796	842,576				186
Cemeteries	337.3130	15,350,294	384,407	15,734,701	522,396				117
Hospitals	216.4436	20,833,465	55,981,809	76,815,274	2,550,267				57
Libraries	1.2008	374,373	1,972,580	2,346,953	77,919				2
Miscellaneous	245.4540	66,806,463	74,516,020	141,322,483	4,691,906				562
Total other exempt	2,369.4167	256,811,581	376,907,362	633,718,943	21,039,472	7.8	7.1	8.3	3,150
Total exempt	17,010.8110	2,139,103,689	1,778,872,361	3,917,976,050	130,076,808	55.5	57.2	50.1	8,540
Total taxable and exempt	30,657.5715	3,744,835,300	4,090,959,199	7,835,794,499	260,148,387	100.0	100.0	100.0	145,310

Source: Excerpt from District of Columbia publication The Federal Payment: FY 1976 issued March 10, 1975.

Mr. Gilbert. Now the 40-acre site requirement which was stipulated by the Corrections Department was based on the need to provide some buffer and in that regard we would say it is not possible to provide anything like the buffering that we now have at the Lorton installation in Virginia where we have 3,000 acres and much of those 3,000 acres are used for the purpose of buffering the installation from the surrounding area. There would be a minimal buffering in the 40-acre allotment.

We have to provide room for needed training, recreation, housing and utility requirements. Our desire is to maintain a humane yet secure environment for our correctional program. We believe that a disperse pattern, which is what we have at Lorton is the most desirable way of doing it.

It has been suggested, why don't we go to a high-rise facility because urban land is so expensive and so difficult to obtain. We rejected the alternative of building a high-rise facility to house large numbers of detainees. We reject it for program reasons, for reasons of safety and security and because of the lack of flexibility that is implicit in the construction of a high-rise building.

In addition, there is another point, and Mr. Chairman, that relates to the zoning matter which we have presented here. There are strict height limitations in the District of Columbia. We have related height to zoning on this map and much of the land in the District of Columbia that is not in public hands is either limited to 40 feet, some up to 60, and all of the 36 sites we identified, other than those in public hands, only one of them was a place where a 90-foot structure could be legally built at this time under existing zoning.

Now, public land is not zoned until a use is proposed for it. If it is Federal land, the National Planning Commission has jurisdiction in lieu of zoning and most of the public land we have looked at is in areas which is surrounded by 40- and in a few cases 60-foot height zones which are in private hands and it would be inappropriate to be establishing a high rise structure in such areas. So, we must put it aside on that basis.

We would really even deplore to a greater extent than we would the first facility, the notion of having a high rise facility as a means of saving space when we have now got a facility with 3,000 acres available for this purpose.

To quickly summarize the criteria we used in evaluating the site, we looked at relocation problems; the open spaces which I have talked about; community acceptance, which goes in part to traffic considerations, buffering considerations; condition of the land as buildable, and much of the land that is open is landfill land which is not buildable; land costs; the existing land uses and the price we would pay by sacrificing existing land uses; question of access.

Our preliminary review, Mr. Chairman, suggests that few, if any, of the locations could be built upon without great costs, and lost opportunities to build new residence and commercial and industrial areas that are needed to assure the vitality of the city's economic base or alternatively, because of the loss of badly needed recreational and open spaces.

Also to be considered from the planning standpoint are the severe adverse pragmatic and environmental impacts that would result

from the relocation of a correctional facility in a highly urbanized and already built-up area in the District of Columbia.

Furthermore, adverse impact must be weighed against the purported benefits expected to accrue from such a relocation. Another factor is the loss of the District's long-term capital investment from the District facilities which Mr. Coppie has alluded to.

From a regional perspective, relocation of the Lorton facility to the District undermines the concept of mutual cooperation in the Washington region. It is not uncommon for cities to have facilities located outside of their boundaries, or, alternatively, for central cities to provide services needed by an entire region. The District provides space for a number of significant national and regional functions within its boundaries, which serve people from other jurisdictions, for example, St. Elizabeth's Hospital, the Soldier's Home, which has already been discussed, and especially the regional Blue Plain Sewage Plant.

The District wants to do its share of making this region work as a viable part of a viable metropolitan entity. The regional cooperation which gives due regard to interjurisdicitional requirements is essential to effectively deal with the many problems of complex metropolitan areas including this one.

There are many tradeoffs that must be considered in determining optimum regional arrangements. It is in that context that we continue to believe that the continued use and improvement of the Lorton facility is in the interest not only of the District of Columbia, but of the entire metropolitan region.

It is our belief that those considerations which prompted the Congress shortly after the turn of the century to approve the establishment of the Lorton reservation for the use of the District of Columbia, that those considerations were valid then and remain valid today.

Thank you, Mr. Chairman, for the opportunity to present my statement.

Senator BURDICK. Do these other gentlemen wish to proceed?

Mr. DUGAS. Mr. Chairman, we are reserving Mr. Jackson from the Corrections Department for questions. He has no preliminary statement.

Senator BURDICK. I have got a few questions. I am sure Mr. Scott has a few questions also.

Mr. Dugas, prison construction cost estimates supplied the committee by the LEAA prison architectural program, and by Norman Carlson, Director of Bureau of Prisons, range from $25,000 to $40,000 per inmate. The District's position paper, however, estimates per inmate construction cost at $58,000. Why are District estimates so much higher?

Mr. DUGAS. We will have Mr. Sam Starobin from our General Services Office to answer that, sir.

Mr. STAROBIN. Good morning, Mr. Chairman.

Senator BURDICK. Good morning.

Mr. STAROBIN. I have had a good bit of experience working with Mr. Norman Carlson and the architects of the Bureau of Prisons since 1971 when the planning for the Lorton expansion started.

At that time, they gave us a figure of $30,000 per inmate which we started with as our figure for the Lorton expansion plan. It was on that basis, when planning for a 2,000-man expansion, that we requested and obtained an appropriation of $60 million.

Now, this was a preliminary estimate based on the Bureau of Prison's average figures. We went into master planning, did a rather comprehensive, detailed analysis of the construction costs and found that $30,000 was quite an accurate figure and by no means a generous figure for a truly forward-looking facility that plans to do something with the people other than merely warehouse them, that plans to give them every opportunity to improve and go back as proper citizens. That was in 1971.

We planned to start work in early 1973 and that figure of $30,000 per inmate was pretty good at that time. The best we can do now is start construction in 1977, 4 years later. In that period of time, the escalation has been about 50 percent. The $30,000 figure would become a $45,000 figure by that time.

Further, we have moved from a site where we have the economy of scale, where we are building duplicate facilities in fairly close proximity to each other and where we can maintain the advantage of cross-servicing. We would now be building all over the city on difficult sites, sites that would need a greater degree of self-sufficiency.

My own estimate, based on the early figures I got from the Bureau of Prisons and confirmed by our detailed analysis, is that $50,000 per inmate for a facility constructed under these circumstances is not at all an outlandish figure; in fact, it is conservative. 50,000 times 2,000 is 100 million. Then, on top of this figure which is for the construction costs you have 10 percent for the cost of construction services for design and contract administration. Therefore, a figure of 110 million I feel to be a rather conservative figure for building under these circumstances in this time frame.

Senator BURDICK. What you are saying is, if you had a more compact site where you weren't spreading things out, like you may have to be, to build a facility in the District of Columbia, where you had institutions on one contiguous piece of ground, construction costs wouldn't be as great.

Mr. STAROBIN. That's right, sir. Of course, I am not suggesting that we build a compound for 2,000 people. The days of huge price compounds are past. But at Lorton we have the possibility of building smaller compounds within range of each other where central servicing can take place.

But, if we scatter them across the city, we can't be moving prisoners from one compound to another to take advantage of a particular educational or vocational program. That is possible at Lorton, where we provide service, like engineering services, food services and so on. We can't be trucking them all over the city.

At Lorton, where they are separated by, say, 300 or 400 yards, this is possible. Yet, we have the separation that removes the volatility of having 1,000 men or 2,000 men altogether.

Senator BURDICK. This may be repetitious, but do I understand there is no such site comparable to the Lorton site where you can do that in the District of Columbia.

Mr. STAROBIN. None. Just to reflect on the statements that I read in the newspaper about Fort Lincoln, 7 times 40 is about 280, which in Fort Lincoln is around 300 and it appears to match.

But, reflecting on a good bit of discussion I have had with Mr. Carlson, and his staff, this would not represent good prison planning. A size of 400 inmates in one complex, is about as many as you want in order to manage properly, and to have proper programs. But then there has to be a separation between complexes. There has to be a physical separation to keep the complexes out of sight and certainly out of sound of each other so that a disturbance in one area does not incite or feed on disturbances in other areas. Here we have to talk about separations of one-quarter to one-half a mile. Now, this is possible at Lorton.

An analysis of the proposed plan indicates we are able to achieve separations of approximately one-quarter mile. This of course would be impossible at Fort Lincoln. We would have one huge prison compound that would be a throwback to the Dark Ages and hardly something that would be a workable system or something we want in the Nation's Capitol.

Senator BURDICK. Mr. Dugas, again, under present law, all prisoners sent from Superior Court in the District of Columbia are committed to the custody of the Attorney General. If this subcommittee should act on any legislation, do you believe that the status of the prisoners should be clarified to provide that these prisoners be committed to the custody of the District of Columbia government?

Mr. DUGAS. Mr. Jackson will answer that. That is a correctional problem.

Mr. JACKSON. Would you repeat the question, Mr. Chairman?

Senator BURDICK Under present law, all prisoners sent from Superior Court in the District of Columbia are committed to the custody of the Attorney General. If this subcommittee were to act on any legislation, do you believe that the status of the prisoners should be clarified to provide that these prisoners be committed to the custody of the District of Columbia government?

Mr. JACKSON. Yes, I do, without question. Now, to expound on that, a little. What happened in that regard was that all inmates that were convicted and sentenced in Superior Court are committed to the Department of Corrections, District of Columbia. All of those that are committed in the District Court because of an agreement between Judge Sirica, and I think, then Attorney General Kleindienst are committed to the Attorney General for their sentence, because of overcrowding in Lorton in 1972 when we had 1,800 residents in the institution with a rated capacity of 904.

I feel most certainly that every person convicted in the District of Columbia should be incarcerated in a District of Columbia institution.

Senator BURDICK. Mr. Dugas, another question. Do you think this subcommittee's recent involvement in the passage of the Federal furlough legislation—I was interested in the GAO's comments on District furlough—can you briefly review the District's response to GAO's furlough, if there are any?

Mr. DUGAS. Mr. Jackson will respond to that also, Mr. Chairman. I think our response is contained in the position paper.

Senator SCOTT. Mr. Chairman, if I might intrude for just a mo-

ment, it would have been helpful if the witnesses had complied with the law with regard to submission of these statements in advance. I had no opportunity to review them, and I believe that title II of the code does require they be here at least 1 full day in advance. That would have given us an opportunity to have become familiar with the statements and to have examined them in advance. This large report, I understand, was not here until this morning.

Senator BURDICK. It was delivered yesterday morning. I understand you got the statements yesterday for the first time.

Senator SCOTT. My staff member tells me that the individual statements were not delivered until this morning, except for Mr. Dugas'.

Mr. DUGAS. May I say we did have difficulty in knowing precisely when we would be before you, sir. When I did get word from Mr. Meeker yesterday, we did try to get the statements to you.

Senator BURDICK. Well, we may have to call you back again. It is a possibility, so keep that in mind.

Mr. JACKSON. Mr. Chairman, in regard to the GAO recommendations, as applicable to the furlough program, in summarization, really the recommendation did not recommend substantially anything different than what the Department is already doing.

There are areas in the area of criminology that do not lend themselves to rigid and specific guidelines, because of different sentencing patterns, indeterminate sentences as opposed to determinate sentences, the classification of individual inmates in an institution.

The Department is first to admit and plans to continue to monitor, evaluate all furlough programs, in a very selective process in selecting the persons to participate in the furlough programs. I found nothing substantially different here from what the Department is already doing. I disagree in part in the methodology which GAO recommends to implement the policy because of penalogical concerns.

Senator BURDICK. Senator Scott——

Senator SCOTT. Thank you, Mr. Chairman.

Mr. Dugas, I did read your report this morning before coming. I had an opportunity this morning to review your report, and certainly, it's a very forthright statement and I commend you on it.

There are a number of items, though, that I would like to have you expound on a little bit and I'd like also to make some statement with regard to them.

Now, this question of home rule. This bill is designed to give as much discretion as possible to the District of Columbia. The bill does not indicate where the facility should be located.

You have suggested seven different institutions be divided into seven 40-acre parcels and certainly that would be within your discretion, whether you would want all of the penal institutions put together or whether you would want them to be separate.

The bill provides that funds that have been appropriated for improvements at the Lorton institution be available to construct new facilities.

The bill provides that the funds that would be derived—all of the funds, now, not exactly as worded in your statement, but all of these funds—from the sale of the Lorton property at fair market value would be made available to the District.

To me this is fair because even though the District of Columbia does not hold legal title, it holds the equitable title to this property

and the property has been purchased through funds appropriated for the District of Columbia.

But home rule is somewhat of a two-edge sword. Virginia wants home rule, too. Virginia wants the right to control property within its boundaries and at the Lorton institution, but Virginia does not have that right. That is one of the thrusts of this bill; if they are your prisoners, they should be in your territory, and under your control, rather than in a foreign jurisdiction.

I might ask you, sir, how you might feel if the State of Virginia decided to send its prisoners to the District of Columbia. I think the answer is fairly obvious. You would resist very vigorously felons from the State of Virginia being housed in the District.

Would you care to comment on this?

Mr. DUGAS. I think you are talking about apples and oranges because the State of Virginia does not enjoy the unique position of being the Nation's Capital as does the District of Columbia.

I go back to my original premise and say to you, sir, that the equitable and real title to the 3,000 acres in Fairfax County is in the District of Columbia.

Senator SCOTT. I am in agreement with you.

Mr. DUGAS. And this bill is impingement on our right as citizens of the District of Columbia to talk about how we are going to use our property, and at present, it is our property.

Senator SCOTT. You would agree that even under home rule the District of Columbia is subject to the exclusive legislative jurisdiction of the Congress. This is in the Constitution and until there is a change made in the Constitution, the Congress merely delegates part of its authority to the District of Columbia.

So, you are not challenging the legality of such a bill.

Mr. DUGAS. Never; never would I do that, sir. I am talking about, it seems to me, to be contrary to the intent of the Congress to give us, not the Congress, the right to tell us how we ought to run our facilities on our property.

Senator SCOTT. Now, you mentioned the question of cost. Do you have any rough approximation as to how much it would cost to construct seven 40-acre—seven separate facilities on 40 acres apiece?

Mr. DUGAS. I believe we have those figures, $116 million.

Senator SCOTT. $116 million, now, how much money do you have available for improvements at Lorton?

I believe somewhere in the testimony——

Mr. DUGAS. $55 million.

Senator SCOTT. $55 million is available. Now, we're talking about 3,000 acres of land in Fairfax County, located along on an interstate highway, and I believe somewhere in the testimony my aide tells me it is mentioned that it is 20 miles from the District and he suggested perhaps it is closer to 25 miles, but 20 or 25 miles.

Do you have someone here that might be able to give us some educated guess at just what the value of a 3,000-acre tract of land located at Lorton in Fairfax County adjacent to an interstate highway might be worth.

Mr. COPPIE. We are showing about $15 million.

Senator SCOTT. $15 million. How much would that be per acre for the unimproved land?

Mr. COPPIE. That is $5 thousand an acre. I want to clarify one point that I made a moment ago, about how much it would cost to construct the facility, $116 million. That does not include the land cost.

The land cost in the District of Columbia before would be estimated at $57 million, that would be in addition to the construction cost.

Senator SCOTT. Now, you are saying that 280 acres of land in the District of Columbia would cost how much?

Mr. COPPIE. We are estimating land cost at $57 million.

Senator SCOTT. $57 million. 3,000 acres in Fairfax County would sell for $15 million?

Mr. COPPIE. That is our estimate. Inner-city land costs are higher.

Senator SCOTT. No question in my mind that city property sells for more than rural property or suburban residential property. I am not sure whether this would be residential.

Now, are you familiar generally with land in Fairfax County?

Mr. STAROBIN. Not particularly, Senator. We have the figure of $15 million which was taken from an appraisal report filed with an appropriate government office in Fairfax County.

Senator SCOTT. Who prepared the appraisal?

Mr. STAROBIN. I don't know.

Senator SCOTT. Was it in fact an appraisal?

Mr. WILLIAM GOLIGHTLY. Senator Scott, the estimates on the land value were taken from the Fairfax County assessor's records which are at assessed value and then interpolated to equate fair market value——

Senator SCOTT. Based on what?

Mr. GOLIGHTLY. Based on the percentages, which are generally carried at 40 percent of fair market value. These were increased to reflect the full fair market value.

Senator SCOTT. But you have no assessment of the Lorton property, is that right?

Mr. GOLIGHTLY. Well, it is carried on the Fairfax County Assessor's Record.

Senator SCOTT. There are no taxes paid by the District of Columbia to Fairfax County.

Where in Fairfax County is there another 3,500 acre tract that could be compared with this tract?

Mr. DUGAS. I have no knowledge of any.

Senator SCOTT. Let me suggest to you that Fairfax County has close to 600,000 people in the county today. It is one of the fastest growing counties in the country and there is no other piece of land of comparable size within the County of Fairfax. That would have an effect on the price, because just as you have the Reston area—a planned community in which there is some industrial, some commercial, and some residential, some apartment houses, some detached homes—that this property could be developed with access on the interstate highway.

I don't believe any prudent person would ever sell that property at $15 million. Let me assure you gentlemen that I am not speaking exactly as a novice. I was in land acquisition at the Department of Justice for 18 years, was a condemnation attorney, and did deal with market value everyday in my work.

Now, you mentioned a number of sites that you have considered as possibilities, and frankly, Mr. Dugas, I would again commend you on the forthrightness of your statement. The suggestion that 280 acres, seven 40-acre sites would be adequate as a substitute for the 3,000 acres at the Lorton institution, but, how would you divide the present or the contemplated future inmate population. How do you arrive at seven sites? Would the Youth Center be one of these?

Could you give us a brief discussion and I do ask that you answer in your own way, but that you try to be as concise as possible because we are operating now under a rule of the Senate that this committee cannot stay in session when the Senate is conducting legislative business. We have this New Hampshire contest that keeps us from remaining in session. So, I will ask you to answer it just as direct——

Mr. DUGAS. Mr. Jackson or Mr. Rodgers will answer that question.

Mr. JACKSON. We are going to have, and this is provided for in the Lorton Improvement Plan, land which would enable the department to build three 200–man facilities.

Senator SCOTT. Who would be housed in the three 200-man facilities?

Mr. JACKSON. Adults, youths, and females.

Senator SCOTT. You mean adults in one, females in another, and youth in another? Is this what you are saying?

Mr. JACKSON. No, I am not saying that. I am saying we are contemplating an innovative process of perhaps going coed with one of the facilities, perhaps two.

Senator SCOTT. Are you going to put youth and adults and women in the same dormitory?

Mr. JACKSON. We are restricted by law from comingling adults and youths. We cannot do this.

Senator SCOTT. I am not sure I understand you then. Mr. Jackson, you would not put youth separate—you would put youth separate from adults, is that what you are saying?

Mr. JACKSON. That is by law, by court order.

Senator SCOTT. Well, then one of these 200-member inmate population would be reserved for youth?

I am trying to get clarification.

Mr. JACKSON. Right. Youth Center I for example would have a capacity of 200 for youth with longer terms. Youth Center II would have a capacity of 200 for male and female youth within 12 to 18 months of release.

Then, we have a minimum security facility which would house 225 for low security risks within 14 months of parole.

Senator SCOTT. How many do you have in the minimum security facility now?

Mr. JACKSON. One hundred sixty-one as of today.

Senator SCOTT. And you would have how many in the event this came into being?

Mr. JACKSON. The rated capacity would be 225 at the institution.

Senator SCOTT. Go ahead then and tell us, break down the entire seven, if you will. Just tell us what the seven are.

Mr. JACKSON. In the central facility, and this is again contingent upon the Lorton Improvement Plan because the Department—

Senator SCOTT. No, I am not talking about what you are going to do at Lorton. I am talking about what you would do in the event this bill is enacted into law and you have seven different facilities.

As I understood the testimony of Mr. Dugas, there would be seven 40-acre parcels in which the inmate would be housed in the event this bill does become law. That is what I am asking for, not what your plans are for Lorton.

Mr. JACKSON. Well, Mr. Chairman, I don't see any difference in the concept, whether the institution is located at Lorton as opposed to the District.

Senator SCOTT. Very well, go ahead then.

Mr. JACKSON. So what I am saying, the central facility or the complex, as we call it, presently has three institutions, the central facility with a capacity of 904.

Senator SCOTT. This central facility, that is the barracks type dormitories that you have?

Mr. JACKSON. That is correct. Then we have the maximum security facility which houses approximately 404 capacity.

Senator SCOTT. But there is not quite that many there?

Mr. JACKSON. As of today we have 285.

Senator SCOTT. 285, alright, what is the third one in walls?

Mr. JACKSON. Minimum security is not a walled facility, Senator.

Senator SCOTT. I thought I understood you to say that at the main complex you had a breakdown of three, one maximum security, one the——

Mr. JACKSON [continuing]. Central.

Senator SCOTT. Medium security.

Mr. JACKSON. Minimum.

Senator SCOTT. One mental?

Mr. JACKSON. Minimum.

Senator SCOTT. Well, the minimum is not within the main complex, it is over at Occoquan, isn't it?

Mr. JACKSON. That is correct, but it is considered part of the complex.

Senator SCOTT. Well, now, when you rebuild, then, you would move the minimum security facility, would you?

Mr. JACKSON. Into the institution that is presently housing the Youth Center at Youth Center II.

Senator SCOTT. You would utilize the present Youth Center II for the minimum security?

Mr. JACKSON. That is correct.

Senator SCOTT. All right, sir, and then you would rebuild new youth facilities?

Mr. JACKSON. That is correct.

Senator SCOTT. All right, sir, now does that take care of all seven?

Mr. JACKSON. I believe so, sir.

Senator SCOTT. Well, I haven't counted, but it didn't seem to me there was as many as seven. Perhaps you have.

Now, Mr. Dugas, you have mentioned about the time factor, and assuming that this bill were enacted what change would you want to be made in the time factor?

If the District was moving with deliberate speed how much time do you feel would be necessary?

Mr. DUGAS. First of all, Senator, I don't want any more time. I don't want the facility.

If you are talking about how much time it would take to either duplicate the Lorton facility or construct the seven, I will have to ask Mr. Starobin if he can answer that.

Senator SCOTT. Let me say this. I do not want the facility moved. We have a difference of opinion.

Mr. DUGAS. Absolutely.

Senator SCOTT. And we have to recognize that there is a difference of opinion, but you can help us in our deliberations because this bill, even if enacted, is subject to amendment, and we want to accommodate the District of Columbia even if the bill is enacted into law and so I am asking you——

Mr. DUGAS. You are asking about the time frame it would take in the event——

Senator SCOTT. Yes.

Mr. STAROBIN. Senator, I estimate a period of 4 to 5 years from the date that the authority is received and money is in hand.

Now, I will break that period down. Half a year is needed for a master plan. We have to repeat the master plan period, 1 year for design, and 2½ to 3½ years for construction.

Senator SCOTT. Now, from the date of the enactment of the law, how much time do you feel would be feasible to establish a substitute prison facility?

Mr. STAROBIN. If the law bore with it, all authorities including money so I could proceed immediately the time period would be four to five years.

Senator SCOTT. Four to five years, thank you, sir.

Does anyone else within the panel have any comment on the time frame?

Mr. COPPIE. One point about financing, Mr. Chairman, that I think is relevant, assuming the passage of the legislation, assuming the appropriation of funds in our annual budget, under the home rule charter, as I previously pointed out, we are required to fund all new capital programs such as Lorton, this would be one, from the commercial bond market.

Moreover, following the appropriation by the Congress the City Council passes a bond authorization act. The Council has the option to allow for the bond act to go to referendum. That is an option. It is not a requirement.

What the City Council's determination would be in this particular area, I simply do not know. Obviously, if it would go to referendum, that has a consequence of both delaying the project, and also presenting an additional question.

Senator SCOTT. What amendment might we make in the law with regard to funding? Obviously, it would not be proper for the Congress to mandate the removal of a prison complex into the District and then submit it to a referendum, because suppose the referendum were rejected? Then you would have no money, so I think we have to think in realistic terms.

What amendments would be necessary to assist the city from a

financial point of view to reduce to a minimum the financial burdens upon the city?

We have the two items in there now, the use of presently appropriated funds, the use of the proceeds from the Lorton sale, what other amendment if any would you suggeest that might be helpful to the city from a financial point of view?

Mr. COPPIE. Mr. Chairman, I think that the—I just want to underscore the fact that the city government opposes the bill. What I am saying is——

Senator SCOTT. And Fairfax County is for it and they have preceeded you and they have been just as unequivocally for it as you are against it. So, we have a difference here.

Mr. COPPIE. Mr. Chairman, the city is committed to a $55 million Lorton improvement program. That $55 million is available to us, but in order to spend it, we do need the reprograming of the funds which requires the approval of both the City Council and the Congress of the United States and that process is underway.

Senator SCOTT. Now, the $55 million is available for what purpose?

Mr. COPPIE. It is available for the purpose of the Lorton improvement program.

Mr. Chairman, in keeping in mind what I said initially, that is, if the transfer were to take place, that the additional cost to the city would be in excess of $100 million, that is $100 million beyond the $55 million and in order to make that available, it would require a significant change in our current capital program in the District of Columbia, particularly in the broad area of human resources, public schools, public colleges, human resources facilities, primary hospital improvements.

I think it would be fair for the city to ask the Congress to assume the additional $100 million burden. We are prepared to make $55 million available. I think anything beyond that should become the responsibility of the Federal Government.

Senator SCOTT. Now, you are saying $100 million less whatever the proceeds would be from the Lorton property?

Mr. COPPIE. Well, I am saying anything beyond $55 million should be the responsibility of the Federal Government.

Senator SCOTT. I see. Anybody else care to comment on the financial aspect?

Now, we talk about the sites that are available and the Fort Lincoln site was one that was mentioned and one that I believe Supervisor Harretty has referred to.

Now, this property has been used as a reformatory. Is this the past use of the property?

Mr. DUGAS. It was used as a boys' reformatory.

Senator SCOTT. What happened to the boys' reformatory?

Mr. DUGAS. It's been relocated in another section of the United States, in West Virginia, Morgantown.

Senator SCOTT. Is it still a District of Columbia facility?

Mr. JACKSON. It was never a District of Columbia facility.

Senator SCOTT. What sort of facility was it?

Mr. JACKSON. This was operated by the Bureau of Prisons for youths between the ages of 14 to 20.

Senator SCOTT. Then it was a Federal facility.

Mr. JACKSON. Most certainly.

Senator SCOTT. Is the title to the property in the Federal Government?

Mr. DUGAS. It is.

Senator SCOTT. Well, now, I understood that it was to be used as some sort of a residential development—at least there was the idea and I don't know how far it progressed.

Could you tell us about that, please?

Mr. DUGAS. Yes. Fort Lincoln is an urban renewal area and it is an urban renewal project. Presently located on that land is a home for the aged, sponsored by the National Capitol Housing Authority. There is a public school there, a junior high school, almost ready to open.

Ted Hagens, the young Theodore Hagens, the young developer here in the District of Columbia has just been awarded the development rights and I have been given to understand that in September he is to begin construction of 400 new residential units on this property.

Senator SCOTT. Now, this is a 300-acre tract, is this correct?

Mr. DUGAS. Approximately.

Senator SCOTT. And how much of it is currently in use for the home and the school that you speak of?,

Mr. DUGAS. I don't know the exact acreage that is presently under development.

Senator SCOTT. Well, are the school and the home, District of Columbia facilities?

Mr. DUGAS. They are, sir.

Senator SCOTT. How was the District able to construct these facilities on Federal property?

Mr. DUGAS. By a transfer of rights from the Federal Government to the District of Columbia.

Senator SCOTT. It was surplus property and the District of Columbia was able to avail itself to it?

Is that what you are saying?

Mr. DUGAS. I am not sure whether they declared it surplus. There was, and is, a process of transfer going on.

Senator SCOTT. Did the District of Columbia acquire title to the entire 300 acres or to merely part of it?

Mr. DUGAS. To the entire 300 acres.

Senator SCOTT. To the entire property—now, primarily what is your objection to the use of this?

Now, whatever surplus property there might be, I don't know how much of a 300-acre tract would be taken by the school and how much would be taken by the home. Is this just a small home that you are speaking of?

Mr. DUGAS. It is a relatively small facility. It has about 220 living units in it. The school is a rather large junior high school to serve the northeast section.

Senator SCOTT. What would it take, 30 acres of land or something?

Mr. DUGAS. I don't have that kind of detail, but we can furnish that to you for the record.

However, the entire tract at Fort Lincoln has already had a design pattern established under the redevelopment land use and it

does not contemplate such a use as a prison. What we do plan for it is that it will be a new city in the city, a new town in town and we plan for it to be a prime residential area, something that will begin to help us build our eroding and dwindling tax base.

We don't want every opportunity to be taken away from us in the District to try to help ourselves.

Senator SCOTT. Now, you understand, Mr. Dugas, I am not suggesting that this is the site that you should use. I think that should be reserved for the District of Columbia, but the statement has been made that there are no sites in the District of Columbia and I just wonder if there aren't some sites that could be used if the District of Columbia government wanted to use the sites.

Now, you say this is for urban development. When you had a program for urban development, you found a site for it. I would suspect that there are other sites within the District of Columbia that can be used for urban development. Southwest Washington, for example, used to be a slum area and now you have all sorts of nice residential facilities in the southwestern part of the city.

It may well be that there are other places within the District of Columbia where you could have urban development.

Mr. DUGAS. Yes, you see, Senator, but you are talking about a prison that is nonproductive and you are comparing it to southwest that has helped increase our tax base tremendously. I don't see how the the two things mix.

Senator SCOTT. You see, Fairfax County is concerned about its tax base. It doesn't get any taxes from the lands that the District of Columbia has.

Mr. DUGAS. Well, I don't agree with you, sir. It get no direct taxes, but we have almost 900 people who live in and around Lorton on our payroll there and we purchase for the benefit of Lorton, supplies and other services that runs into the millions of dollars.

So, to say that Fairfax County does not benefit from the presence of Lorton is not accurate, Senator.

Senator SCOTT. Well, how about the cost of police, and fire protection for the area.

Mr. DUGAS. It is minimal. What we are doing at Lorton, we are paying for those services. We have a contract to pay for fire and police protection, such as is given.

Senator SCOTT. Well, now, we have this reformatory property at the Lincoln Park area and I understand that this is at the edge of the District of Columbia, is this correct?

Mr. DUGAS. Fort Lincoln?

Senator SCOTT. Yes.

Mr. DUGAS. It is, sir. It is on the eastern boundary.

Senator SCOTT. How about a comparable size piece of property, the Anacostia Naval Air Station. I understand it has approximately 300 acres also. What is that being used for?

Mr. DUGAS. That is one of the sites we suggested in our position paper to you sir, but that is military and being used for military purposes.

Senator SCOTT. But doesn't the D. C. have plans for urban development of that area?

Mr. DUGAS. We have absolutely no present plans. We had some hopes, but they were put to rest by one of the representatives from my state before he died.

Senator SCOTT. Now, what is your state?

Mr. DUGAS. South Carolina. He put it to rest when he passed a law saying we could not impinge and go into that area. We haven't been able to do anything in that area since.

Senator SCOTT. Would you consider that to be a reasonable place to relocate the penal institution in the event you were given the authority?

Mr. DUGAS. I would not, sir. I would think that that would be prime land, land within the center of our city that ought to be used for residential and other positive features other than a prison.

Senator SCOTT. You seem opposed to a prison being located for your own people anywhere in the District of Columbia. Is this accurate?

Mr. DUGAS. That is correct, sir.

Senator SCOTT. Then why would you want someone else to have your people? I suppose you can understand the feelings of the people of Virginia?

Mr. DUGAS. Not entirely, Senator.

Senator SCOTT. Did you know that the Legislature of the State of Virginia has passed a resolution creating a commission to study ways to get rid of the Lorton penal institution, to remove them from the District of Columbia. This is by action of the State Legislature of Virginia. You are aware of the lawsuit that Fairfax County has filed that is presently pending to remove this facility from Virginia?

Mr. DUGAS. Yes, and I am also aware of the lawsuit that the Commonwealth of Virginia just dismissed, which is based almost primarily on the same premise as the present suit in Fairfax County. I am aware of that.

Senator SCOTT. Have you read the petition, then that Fairfax County has filed for this suit.

Mr. DUGAS. I have looked at it, Senator, but in looking at that, I am always—I have also had some conversations with some of the citizens in and around that complex and many of them have said, and some of them have suggested, that this is a quote "politician's idea rather than citizen's idea."

Senator SCOTT. Maybe you can elaborate on that a little bit. Are you saying that citizens are not concerned about the reformatory at Lorton?

Mr. DUGAS. I am not saying that some of them may not be. I am saying this. There is a whole host of them that say that they are not against it and we have materials that will suggest that to you, Senator. Some of them even suggested that they are going to come before this board and testify to that effect.

Senator SCOTT. Well, I understand that we are going to have another day to the extent that time will permit. We will be glad to hear from interested citizens, either in person or by having them file a statement.

Mr. DUGAS. Well, I do hope the record will be kept open until such date——

Senator SCOTT. Well, within a reasonable time, that would be true.

Let me say this to you. It may be that there may be some political motivation somewhere. I wouldn't want to judge a person's motives, but having represented this area in the House of Representatives for 6 years and having had the Correctional Officers come in and out of my office and as you know, we had John Griner who was president of the American Federation of Government Employees that appeared as a witness.

I don't believe his testimony was politically motivated or that of the correctional officers or of many of the citizens of this area.

Mr. DUGAS. Some of us have other ideas.

Senator SCOTT. I don't suggest for a moment that the people of my State are all free of any improper motive at all, anymore than I do that that is true of the people of the District of Columbia.

What we are trying to do is to get something to resolve this impasse in some way so that we can be fair to the the people of Fairfax County and the State of Virginia and also fair to the citizens of the District of Columbia, because I am convinced that as long as we have a penal institution of one jurisdiction located within another jurisdiction, you are going to have friction between the two jurisdictions.

We are searching for a way to resolve this conflict. We'd be glad if you care at a later date, as long as the record is open, to submit any alternative suggestions. We are not wedded to one concept.

In fact, there is another bill pending that would transfer jurisdiction to the Federal Bureau of Prisons.

Now, you don't feel that Lincoln Park, the reformatory would be satisfactory?

And, you don't feel that the Anacostia Air Station idea would be satisfactory. How about the Bolling Air Force Base? I understand that there is 560 acres there and there is approximately 200 acres of vacant space remaining. Would you care to comment on that?

Mr. DUGAS. Senator, I don't mind commenting on it because my comment will be the same. The same gentlmen from South Carolina who told us about Bolling, or what we just talked about, also told us about the Bolling Air Force Base. None of that property is going to be made available to the District of Columbia for any purpose.

Senator SCOTT. How about Goose Islands?

Mr. DUGAS. I don't know about Goose Island.

Senator SCOTT. Goose Island is a 10-acre island out in the Potomac River, It has mud flats that surround it that might be 30 additional acres. It wouldn't be suitable for urban renewal. The Potomac River is District of Columbia property and——

Mr. DUGAS. Not entirely, sir.

Senator SCOTT. Oh, it isn't? Well, I'm not saying that beyond the boundary lines, I know it's a Maryland River until it reaches the District of Columbia, but at this point I believe it would be a District of Columbia River.

How would you feel about putting one of your seven there on Goose Island?

Mr. DUGAS. I don't know about Goose Island, never heard of it.

Senator SCOTT. Well, would you have any objection to putting one of your facilities——

Mr. DUGAS. Mr. Starobin would like to comment on that.

Senator SCOTT. Alright, now what I am asking you is, you want urban renewal for two of these, and you say the third one is tied up. Now, here is an island out in the river with mud flats that could be built up and I'm just asking you if you object to that.

Mr. DUGAS. Let me correct one thing. I didn't say that I wanted urban renewal for the military bases.

Senator SCOTT. Well, you did say urban renewal for Lincoln Park.

Mr. DUGAS. We are already proceeding on that. That is an ongoing project.

Senator SCOTT. Now, you mean the houses have been constructed?

Mr. DUGAS. No, sir.

Senator SCOTT. Has any construction started?

Mr. DUGAS. Yes, sir, the school is presently there.

Senator SCOTT. I mean urban renewal.

Mr. DUGAS. That is part of the program.

Senator SCOTT. Have any houses been constructed?

Mr. DUGAS. There is no residential construction.

Senator SCOTT. Alright, sir, tell me about Goose Island?

Mr. STAROBIN. As you stated, Goose Island is a mud flat, it is not really an island.

Senator SCOTT. Doesn't it have some fast land?

Mr. STAROBIN. Pardon?

Senator SCOTT. Doesn't it have some fast land; it's been represented to me that there is about 10 acres of fast land and about 30 acres of mud flats. Is this a fair estimate of this?

Mr. STAROBIN. I'm not sure what you mean by fast land. There may be a little bit of land that sticks up above the river. It lies off the end of our Blue Plains Sewage Treatment Plant and some years ago when we were in the planning stage for the expansion of Blue Plains, a proposal was made to build that are out to Goose Island to provide the area needed for the expansion of the Blue Plains Treatment Plant.

At that time, that idea of expansion involved dredging the river and was turned down for ecological reasons. It was stated that we could not dredge the river and upset the ecological conditions of the river.

So, the proposal to build up this territory for the needed purpose of expanding the plant was turned down. Whether the situation will change now, I don't know.

But, were construction permitted, building in these mud flats means there is no adequate foundation conditions until you get about 50 or 60 feet down. We'd have to drive piles to put up any structure. Our construction costs, I would say then, very very roughly will probably double and we would be putting people in conditions not much better than a prison ship because they would be essentially in water.

Senator SCOTT. It would be a prison what?

Mr. STAROBIN. It would be something equivalent to putting them in a prison ship. They would essentially be standing in water.

Senator SCOTT. A prison ship. Now, tell me, Mr. Dugas, if you will, how about the D.C. General Hospital property?

Is it true that the District contemplates phasing out this facility?

Mr. DUGAS. I know of no such existence.,

Senator SCOTT. Now, that is right near the site of both the old and the new jails, is there some additional acreage there that is not being utilized?

Mr. STAROBIN. Senator, the D.C. General complex is pretty well populated with buildings. There may be a few open areas, a few acres here and there.

When the new detention center is built, we'll be planning to take down the old detention center, and we will vacate a few acres, something in the neighborhood of 4 to 5 acres. But there are no areas there that could be added up to 50 acres, unless we take part of the Congressional Cemetery, and I hardly think that is what you had in mind.

Senator SCOTT. My information, and I am free to say, came from the Library of Congress. We just asked them to give us some possible sites and among those was this area where the old and the new jail and they indicated that the District of Columbia might phase out the General Hospital, since it was an old facility.

Are you in a position to say——

Mr. DUGAS. We have no present plans to phase out D.C. General Hospital.

Senator SCOTT. Is it under consideration?

Mr. DUGAS. It is not under consideration. As a matter of fact, we are moving forward to modernize it.

Senator SCOTT. You are moving what?

Mr. DUGAS. We are moving forward to modernize it.

Senator SCOTT. To modernize this facility—are you saying you need additional hospitals?

Mr. DUGAS. We are modernizing the ones that we have.

Senator SCOTT. You need all of your existing hospitals in the District of Columbia—are they fairly well occupied, the beds taken up?

Mr. DUGAS. I don't have the question of the occupancy rates.

Senator SCOTT. Somewhere I picked up information that we had too many hospital beds in the District of Columbia.

Mr. DUGAS. That may well be. We don't have too many general hospitals, I can tell you that.

Senator SCOTT. Alright, sir. We have another tract that was cited, approximately 40 acres, R.R. track area, east of the B. & O. track, south of Rhode Island Avenue, north of New York Avenue, and most of this the title is in the District of Columbia.

Now, could you tell us anything about—would this site be——

Mr. DUGAS. This is the Harmony Cemetary site.

Senator SCOTT. A cemetery site?

Mr. DUGAS. Mr. Gilbert can tell you about that.

Senator SCOTT. I am told that probably is the site we are talking about.

Mr. GILBERT. Senator, there are 24 acres in this site, and we consider this a prime site for new development. It is adjacent to the

Rhode Island Metro station and the development we are contemplating, a mixed use of commercial and residential development, there would be no room for a correctional facility there under that development plan.

Senator SCOTT. Is the Government Printing Office interested in using part of this site?

Mr. GILBERT. The Government Printing Office has been looking at a site just adjacent to it, and they may want a few of the acres in the site that is still open.

Senator SCOTT. Are you saying the Government Printing Office hasn't made a decision as to where they would locate a new facility?

Mr. GILBERT. I believe they have made a decision, it is just a question of an adjustment of an acre or two.

Senator SCOTT. Do you know how much land they would use and would they use this site?

Mr. GILBERT. They have located a site adjacent to it.

Senator SCOTT. And you are saying that my information was that there were 4 acres, and that it was mostly vacant and you disagree with this?

Mr. GILBERT. I am saying that the 24 acres that the District of Columbia has been making plans for, 24 acres adjacent to the Rhode Island Avenue Metro Station, and our whole basic plan in the District of Columbia is to make use of the area immediately adjacent to the Metro station for development.

Senator SCOTT. How much open land is there?

Mr. GILBERT. Twenty-four acres.

Senator SCOTT. Twenty-four acres of land that is now open that has not been developed?

Mr. GILBERT. That is correct.

Senator SCOTT. But that you have plans for?

Mr. GILBERT. That is correct.

Senator SCOTT. Allright, sir, how about the navy yard area. We are told that there is 130 acres there at the navy yard and part of it is under the control of the General Services Adminstration and the rest of it is the Navy.

Would that be a suitable site, if the District of Columbia obtained title to it?

Mr. GILBERT. The long range plans for the navy yard call for some new Federal offices and we have also suggested it as a site for new housing and commercial development in addition to offices. We consider this prime land which we feel would be better used——

Senator SCOTT. You want it for development?

Mr. GILBERT. That is correct.

Senator SCOTT. All right, now, the District of Columbia as I understand it has been losing population maybe at the rate of 1 percent over a period of years and it seems like you're going to do a lot of new development, urban renewal.

Now, how about the land that will be vacant after you move the people out of the old houses into all of these new houses?

Wouldn't it be feasible that there would be some land after you move people out of their homes that they are presently living in, the areas, that you feel the need for urban development.

Where are you going to take these people from?

Mr. GILBERT. Our projections, Senator, are that the population pressures which have been on the entire metropolitan area are going to continue for some time. We believe that the District, properly developed, will probably house 800,000 or 850,000 persons and we think this would be a very healthy and desirable situation both from the standpoint of the District and from the standpoint of——

Senator SCOTT. Well, it's my understanding that over the past years that the District of Columbia has decreased in population. I came here in 1934. It seems to me like it had more people 41 years ago than it does right now, and that the population of Fairfax County, for example, is increasing now at the rate of 5 percent a year.

Now it would appear that you will have some vacant land if you build a lot of new homes and have this urban development. You are disagreeing with this?

Mr. GILBERT. I would disagree, Senator, respectfully, that in 1940 I believe our population was in the 600,000 range. We expanded during World War II to 850,000. We were relatively stable for some time and we are now approximately 740,000 in population.

Our projection suggests that with the development that we contemplate, and with the rearrangements in the metropolitan area that are going to occur, as a result of the development of Metro and as a result of the further impact of the energy crisis, we think it would be imprudent to be using prime central city urban land for this type of purpose, a nonproductive purpose, when there is far less expensive and much more available rural land.

We think the future of the District of Columbia is in continuing its proper role as the central city of this metropolitan area and that we believe we will move to a population of 800,000 or the 800,000–850,000 bracket.

We think that is healthy development for the District, it will be healthy in terms of our ability to provide services, have a stable tax base, and also provide the atmosphere from which the Federal Government and the Congress can function.

Senator SCOTT. Let the record be corrected. I indicated that the District of Columbia was losing population at a rate of 1 percent per year. My staff member tells me this is for the period from 1970 to 1974, and during a comparable period, the Fairfax County increase was 5 percent. I had indicated that was per year; that is for the 4-year period.

Mr. GILBERT. I believe those are the figures of the Washington Center on Metropolitan Studies. Their estimates of the level of the District's population are somewhat below ours. We don't believe that that is an accurate extrapolation of what is happening.

Senator SCOTT. You may be correct. The Library of Congress is an arm of the Congress and I attempt to get my information from the Library of Congress.

Now, are you saying that you don't feel that any part of the navy yard, even if made available, would be suitable for the facility?

Mr. GILBERT. What I am saying, Senator, is if a part of the navy yard should be made available to the District of Columbia, and I think it is fair to say that this has not occurred, that the first choice

of use for the particular strategic site on the river would be for new housing and commercial development.

Senator SCOTT. I understand that at Blue Plains, that there is some open land over in the Blue Plains area. This is a 200-acre tract and that there is at least 50 acres that is open space and would be available.

I know that we need this facility as has been suggested for sewage disposal for the entire metropolitan area, but I am told there are some training schools for police and firemen. D.C. Village is over there, but there is still some vacant land of approximately 50 acres. Would that be suitable for this purpose?

Mr. GILBERT. Senator, I assume you are referring to a site which is site 7D on your map, and that is a 45-acre landfill site directly south of D.C. Village at the southern corner of the District.

We would like to investigate the suitability of such landfill site for major construction.

Senator SCOTT. Let me see, I haven't even seen your map or your report, and didn't know you had it up here until this morning. I understand now that it was submitted yesterday, but I haven't seen it.

Mr. GILBERT. Senator, it was included in the submissions that arrived yesterday.

I think the point should be made that when you start to build on landfill, building substantial installations, that you have the same problems that Col. Starobin mentioned in building on Goose Island in the middle of the Potomac River. You would have to drive piles down a considerable distance and it would be a great cost escalation.

Senator SCOTT. Well, I am in complete agreement with you, but every other place we have talked about you want to use it for urban development and I was sort of thinking of some remote place that you wouldn't use for urban development.

How about the Navy Receiving Anacostia Annex? I am told there is 35½ acres there, that I believe the title is in the Federal Government and under the jurisdiction of the Department of the Interior.

Would that be a suitable place? I am told that some of the buildings there are scheduled to be demolished.

Mr. GILBERT. Senator, are you referring to part of the Bolling Anacostia reservation?

Senator SCOTT. The naval air station, I think they are separate facilities but they adjoin one another.

They adjoin one another, but a while ago I was talking about Bolling and I believe that we spoke of Bolling as having 560 acres. Now I am told that the Anacostia Annex which is only part of the naval receiving installation has 35½ acres. They are all along the river, except they are separate parcels.

Mr. GILBERT. Well, Senator, if the reference is to a part of the Bolling Anacostia reservation——

Senator SCOTT. It is where the defense land is and the intelligence schools, computer institute, the Capitol architects warehouse, and personnel housing. There is a gymnasium.

Some of these buildings, I am told, are to be demolished.

Mr. GILBERT. I think there are certain general observations which might be appropriate to make at this time about Anacostia-Bolling,

apart from the fact the Congress said that this is to stay in the control of the Department of Defense for several years more.

I think it should be noted that at this point, construction is underway, substantial construction by the military, of 1,500 housing units.

Senator SCOTT. Now, is that on the naval receiving station or are you going back to Bolling again?

Mr. GILBERT. That is Bolling.

Senator SCOTT. How about the naval receiving station?

Mr. GILBERT. When you go over to the naval receiving station, a substantial part of that land is in the flood plain and you would have the same constraints about the use of that land. If that land should ever become available for use other than military use, the portion of it that is in the flood plain it would be our recommendation and I know it is the same recommendation of the National Capitol Planning that it be dedicated for recreational use, because it is not suitable and not believed to be suitable, being in the flood plain, for any other use.

There is a small tract of approximately 50 acres on high ground which the military has designated as the location for the D.C. National Guard. Now, if that were made available to us, we would like to look at that as a possible site for a community college in Anacostia which very desperately needs that type of educational facility. Also we would like to have that——

Senator SCOTT. That is a different site; you are talking about the Anacostia Naval Air Station rather than this Anacostia Annex to the naval receiving station. We are talking about two different parcels.

Mr. DUGAS. You are talking about the site immediately adjacent to the tree nursery.

Senator SCOTT. Well, I received the information from my staff. I am generally familiar with the area. You may very well have some plans there and have me at a disadvantage here.

Mr. GILBERT. There is another site which is now being used for Navy purposes. I don't know the precise Navy purposes for which it is being used, but this is part of the National Park Service land and the National Park Service plan calls for developing that land for Federal park purposes.

Senator SCOTT. Where is that that would be developed for national parks?

Mr. GILBERT. That is site G–2 on our map.

Senator SCOTT. Now, I am told there is a 40-acre vacant tract that is immediately south of the Kenilworth Aquatic Gardens that the District of Columbia owns where you are demolishing a public housing project.

Would that be suitable for use for one of these seven facilities?

Mr. GILBERT. That is the Parkside public housing area, I believe, that you are referring to, of 22 acres, according to our figures, west of the Anacostia Freeway. It is a former public housing site which has been cleared and we have proposed new housing and commercial development for that site.

Senator Scott. Well, the impression that comes over to this member of the committee is that you folks just don't want this in the District

of Columbia. Is that a correct assumption, regardless of where the site might be? You just don't want it in the District of Columbia.

Mr. DUGAS. I think that is a fair assumption.

Senator SCOTT. I thank you and I have no further questions.

We would ask Mr. Victor Lowe, if he would, to be our next witness.

Mr. Lowe, if you would in the interest of time, we'd like for you to highlight the prepared statement that you have and insert the rest of it in the record, if that is agreeable with you, but we do want you to tell us in your own words, if you will, or if you feel the need to use the prepared statement, by all means, do that.

You proceed in your own way. I am trying to conserve a little bit of time. We have another witness that we'd like to hear from.

[The prepared statement of Victor L. Lowe follows:]

STATEMENT OF VICTOR L. LOWE, DIRECTOR, GENERAL GOVERNMENT DIVISION

Mr. Chairman and members of the subcommittee:

Senate bill 1243 provides for the transfer of the Lorton penal facilities to a site within the District of Columbia. While the General Accounting Office has not done any work on the merits of that particular issue, and believes this is a matter of policy to be decided by the Congress, we are prepared to discuss a report we issued on June 21, 1974, dealing with security problems at Lorton. This report may assist the committee in its deliberations of S. 1243.

I will summarize the major issues covered in our report and then will be glad to respond to any questions your committee might have.

Over the 3 years ended June 30, 1973, 380 inmates escaped: District officials told us that 132 more escaped in fiscal year 1974. About 30 percent of the escapes have been from the confines of the Lorton institutions while about 70 percent escaped when outside the institutions on "authorized" absences.

Many of the security problems were caused by: (1) the lack of uniform departmental policies to replace the patchwork of inconsistent and often ineffective security practices which had developed at each of the five Lorton institutions and (2) an ineffective monitoring system to inform top management when department policies were not being followed.

PROBLEMS IN AUTHORIZING ABSENCES

Leave practices followed at Lorton seriously contributed to problems of escapes.

Legislation under which absences were approved has been construed by the District's legal office to allow rehabilitative leave to assist the prisoner in the transition from institutional life to freedom. Therefore, time remaining to serve should have been considered in approving the absences. However, some inmates with years left to serve before their probable release dates—some as many as 15 to 20 years—were granted leaves. In addition, some inmates were given continuous daily leaves routinely over several months although such absences were to be restricted to brief periods and were to be beyond 30 days only in highly unusual circumstances.

The department had no system for finding out what the inmates were doing while on leave or whether the leaves were assisting in their rehabilitation, although hundreds of inmates were released each week into the community as a rehabilitation measure. As noted earlier, about 70 percent of the escapes during the 3 years to June 30, 1973, were by inmates not returning from leaves—and some inmates on rehabilitative leave were arrested for committing crimes.

I want to make it clear Mr. Chairman that the General Accounting Office is not opposed to rehabilitative leave programs and nothing in our report, in our view, should lead the reader to believe this to be the case. Our point, Mr. Chairman, is that such programs must be well managed and monitored to be effective and acceptable to the communities.

INTERNAL SECURITY PROBLEMS

Control over inmates within the institutions was weak—assaults by inmates on other inmates and correctional officers had been steadily increasing causing

several deaths and serious injuries. Many assaults involved lethal weapons fashioned from institutional property, such as screwdrivers, pliers, scissors, and tableware. These items showed up periodically—in bulk—during searches of the Lorton facilities, but the department had not been able to stop the flow of contraband.

Strengthening internal security policies and procedures was needed to help prevent inmate assaults and to help restrict contraband—such as weapons and drugs—from getting to inmates.

Until pressure was brought by the local correctional officers' union, few thorough searches—shakedowns—of institutional facilities were made. Inmate lockers were not regularly inspected. When they were, contraband was found.

Although frequency of shakedowns had increased, a serious problem of contraband continued. As shown in the pictures being handed you by my staff, much contraband found in shakedowns has been or could be made into lethal weapons.

Inmates were using narcotics. Narcotics showed up frequently in inspections and when urine was tested. Use and possession of narcotics is not only illegal but could contribute to inmate behavior problems. Although the department required urine tests at all institutions, two institutions were not making the tests even though hundreds of their inmates were making unsupervised trips weekly into the community. The testing that was being done at minimum security was ineffective—inmates were not tested regularly, results of tests were received from the laboratory too late to be of much value, and results of many tests were never received. When tests showed inmates were using narcotics, the department was lax in disciplining them. Some of the inmates were at Lorton for committing narcotics-related crimes; not preventing them from using narcotics while in government custody is counter to rehabilitative programs.

Uniform procedures at all institutions were needed concerning: identifying visitors, inspecting handbags and purses, and searching inmates for contraband after meeting visitors.

Because visitors were not adequately identified, some inmates wearing civilian clothes escaped by simply walking out with visitors. On three separate occasions in 1973 inmates escaped from medium security by walking out with visitors.

We reported that improvements in some physical facilities would also tighten security, such as additional fencing and improved lighting.

BETTER MANAGEMENT WOULD TIGHTEN SECURITY

The problems discussed in our report, taken collectively, demonstrated major management failures. Management improvements over programs releasing inmates into the community and tighter security at Lorton were obviously needed. Management must provide for periodic independent checks to insure that reported information is reliable. If the District had had uniform policies at Lorton and had good feedback and acted on it, many inmate security problems could have been avoided. Better administration could have gone a long way toward solving many of Lorton's security problems.

RECOMMENDATIONS MADE

We made a number of recommendations to Mayor Washington designed to improve security management at Lorton. The recommendations included the establishment of uniform guidelines concerning the granting of leaves of absence to inmates, monitoring the whereabouts and performance of inmates on such leaves and other recommendations, dealing with physical plant security and internal security policies and practices.

ACTIONS BY THE DISTRICT

On June 11, 1975 the Mayor advised us that the Department of Corrections is making an extensive review of status of conformity to all the recommendations made in our report.

The Mayor advised us that because of our criticism of the department's administration of the inmate furlough program and, upon orders of the Attorney General, the Department of Corrections issued new policies on inmate eligibility for and management of the work furlough program. The new policies, as suggested in our report, require that inmates must have served a specified minimum period of their sentence to be eligible for furloughs.

The Mayor advised us also that certain physical plant security improvements have been made and others are near completion such as double fencing and a perimeter road. He mentioned a Fairfax County circuit court order dated March 11, 1975, which specified a number of security improvements that must be made at Lorton.

The District has not reported on the actions taken on our recommendations to the House and Senate Committees on Government Operations, and appropriations which is required by section 236 of the Legislative Reorganization Act of 1970 (31 U.S.C. 1154) to be made within 60 days after the date of the report. Our report was issued in June 1974. The Mayor in his June 11, 1975, letter said a copy of that report will be sent to us *when it is* transmitted to the Congress.

This concludes my statement, Mr. Chairman. We will be glad to respond to any questions the committee may wish to ask.

Mr. LOWE. Thank you, Mr. Chairman, we'll be glad to try to conserve some time.

My name is Victor Lowe and I happen to be at the present time the Director of the General Government Division of the General Accounting Office.

I'd like to point out in the home rule legislation, the comptroller general was given some responsibility for doing audit and review work in the District of Columbia, even under home rule.

As you know, Mr. Scott, it is our practice and policy to respond to congressional requests of individual Members of the Senate or House if we happen to have the manpower to do that. We are required by existing legislation to respond to requests from the chairman of committees.

Pursuant to that method of operation, we received a request from a then Member of the House of Representatives to perform a review of the operations at Lorton penitentiary.

On June 21, 1974, we did issue a report on that particular review. The statement that I have summarizes in effect the findings that we had at that time in our report.

If I could, I'd like to without summarizing all of the findings, I think I could come pretty close by summarizing the recommendations which were based on the facts we developed after several months' work.

Senator SCOTT. Tell us just a few of the things you found at Lorton that you feel might be helpful to this committee in its deliberations.

The prior witnesses, and you were present, I believe, indicated that some of the objections were politically motivated and since you did conduct a factfinding operation, if you could just highlight some of the things that you found there that—before you go to your recommendations. I think it would be helpful for the committee.

Mr. LOWE. Well, one of the things that we found was that there was a problem in authorizing absences from Lorton for some of the inmates.

Essentially, control, I think, was lax in who was authorized to be out and following up on where they were, whether or not they were attending college at Federal City College like they were supposed to or a job they were assigned to.

We also found, as a lot of other people have, we had some help from experts from the Federal Bureau of Prisons in doing a review of some of the physical aspects.

Senator SCOTT. On this leave, I am looking at page 2 of your report, and I did have an opportunity to review it, you indicate that some inmates were given continuous daily leaves routinely over several months and just above that, you say some of the people had 15 to 20 years to serve.

Now, would it be proper to put those two together and say some of those who were given continuous daily leaves routinely had as much as 15 to 20 years left in their service or were they people ready to be discharged within a very short time?

Mr. LOWE. Both of those. Some of the people had long terms yet to serve and there were people with fairly terms left to serve. We gave several examples of that in our report.

Senator SCOTT. Did you find that some of these that were given daily leaves would become involved in some manner with law enforcement?

Would they be rearrested?

Mr. LOWE. Yes, Mr. Chairman, we found quite a few examples of that and about that particular time the local press reported a number of incidents also.

Senator SCOTT. All right sir, you go ahead.

Mr. LOWE. Basically, I think the point we made is in addition to having inmates on work-release programs or in schooling programs that had maybe up to 15 or 20 years to serve, the Department really had no system for knowing where the inmates were or if they were doing what they were released to do.

We made a recommendation to try to cure that. I did think it is kind of important, Mr. Chairman, that I point out one thing here. GAO is not opposed to the rehabilitative leave program, and there was a lot of flack made about that after our report was issued and I think nothing could be further from the truth.

If I could just refer to two other reports we have issued trying to assist in such programs, we issued a report here in November 1973 on the Federal prison program entitled, "Rehabilitating Inmates of Federal Prisons, Special Programs Help, But Not Enough."

Senator SCOTT. As I recall, and I don't know just where it is in your report, as I recall, you did give one or more instancees where people were committed for narcotics violations but they were still using narcotics while they were in the Lorton penal institution. Is that accurate?

Mr. LOWE. That is correct.

Senator SCOTT. Would you elaborate on that?

Mr. LOWE. There is a testing program designed to detect people who are on release programs that engaged in the use of narcotics.

The testing program was very sporadic. The results were not always tabulated or used and very little was done with the information that was obtained.

On several instances we cited in the report here of finding inmates through urinalysis who had been using narcotics while away from the institution, but apparently nothing was done about it.

Senator SCOTT. Are you attempting to say where he obtained the narcotics, inside the prison or outside the prison?

These are people that are being given routine leave, is that your testimony?

Mr. LOWE. Primarily, yes, sir.

Senator SCOTT. All right, sir, go ahead.

Mr. LOWE. Well, one of the things we pointed out in the report was that up until some pressure was brought by the local correction officers union, there were very few, if any, effective shakedowns of some of the secure areas inside in the prison.

Our reproduction equipment failed us at the time, and we had some pictures of some of the contraband that has been recovered in some of these searches that we intended to have in our report. If the committee would be interested in that, we would be glad to let you have some of those. Some of those have already been run in the local press.

Senator SCOTT. We would like to have these for the record and we will keep them on file.

Mr. LOWE. One of the other things we thought, that since there are five more or less separate institutions on the grounds at Lorton, there was a need for uniform procedures as between the various institutions in identifying visitors, inspecting handbags, and in searching inmates for contraband after meeting with visitors. There was not a uniform set of procedures for that.

We also, as I say, engaged in——

Senator SCOTT. Let me interrupt you here. These pictures, I noted in here, I am seeing hammers and wrenches and knives and axes and various things, quite a few knives at the bottom, but, where did these come from?

Where were they located?

Were they in the barracks?

Where were these?

Mr. LOWE. Yes; these were picked up by the security officers at Lorton during shakedowns or searches of the inmates quarters.

Senator SCOTT. Did they have periodic shakedowns?

Mr. LOWE. At the time of our review, they did not really have a program for periodic shakedowns that was very effective. I understand at this time, primarily due to pressure brought by the security officers union, the frequency of shakedowns has increased somewhat.

Senator SCOTT. All right, sir, go ahead.

Mr. LOWE. I guess in summary, Mr. Chairman, the things we pointed out in our report we felt demonstrated some management improvement was needed to tighten up on the security and tighten up on the furlough programs.

We did note in our report that the furlough program was not in accordance with the rules set forth by the Attorney General. Our report was issued in June 1974, and subsequent to that time, in November, I believe, the Attorney General issued some orders that did result in tightening up on the furlough procedures and leave procedures for educational purposes.

Senator SCOTT. That was Attorney General Saxbe?

Mr. LOWE. That is correct.

Senator SCOTT. Didn't you just have, I believe I read a report where there was a court decision approving what he had done, but

saying he needed to publish it in the Federal Register. Are you familiar with that?

Mr. LOWE. No, I am not.

Senator SCOTT. It's just a newspaper account on my part; Mr. Hardy is still here. Is that accurate, Mr. Hardy?

Mr. JACKSON. Are you speaking to me, sir?

Senator SCOTT. Was there a court decision recently? My information is merely from the newspaper.

Mr. JACKSON. If I remember correctly, the article stated that the Attorney General had the authority but had acted improperly in implementing it.

Senator SCOTT. Yes; he didn't publish it in the Federal Register and they made the recommendation that that be done.

Mr. JACKSON. He needed to make it available to the general public and residents of Lorton Reformatory.

Senator SCOTT. They approved it, but said it had to be done another way.

Mr. JACKSON. They did not approve the action, but said he had the authority but acted improperly.

Senator SCOTT. Thank you. You go right ahead, sir.

Mr. LOWE. I think in trying to summarize here very briefly, based on the work that we did as requested by this Member of the House of Representatives, we felt that Lorton needed to tighten up on some of its physical security things. We pointed out several things, although we are not experts in prisons.

We also felt that the top administrators in the Department of Corrections needed to have a better feedback system so they could get information on the problems that might not be surfacing at the top management levels.

We made suggestions designed to improve that particular situation.

I think that our recommendations primarily involved a need for the establishment of uniform guidelines concerning granting of leaves of absence of inmates, monitoring the whereabouts and performance of inmates on such leaves and some matters dealing with the physical plant at Lorton.

Based on my short testimony and the short testimony heard from the District representatives this morning, it might be well if the Chair so desires to have for the record, to have the District respond to what the current situation is on the 11 recommendations we made. I think the situation is a little confused here this morning in oral discussion of it, but as I recall offhand, we did make something like 11 recommendations.

Senator SCOTT. Now, you have followed this up in some way so you would be in a position to tell us the changes that had resulted?

Mr. LOWE. Not really. We are not up to date, but we do have a letter here that I would like to submit for the record, if you approve, dated June 11, from Mayor Washington to our representative at the District, Mr. Frank Medico, a two-page letter which points out a couple of actions that have been taken following our report.

Senator SCOTT. It will be received.

[Letter from Mayor Washington follows:]

WASHINGTON, D.C., *June 5*

Mr. FRANK MEDICO,
Assistant Director,
General Government Division,
U.S. General Accounting Office,
Washington, D.C.

DEAR MR. MEDICO: In answer to your May 27, 1975 inquiry concerning the District's action on Comptroller General's report number B–118638, dated June 21, 1974, entitled "Better Management Needed for Tighter Security at Lorton Correctional Institutions", I am enclosing a response which was prepared by the Director of the Department of Corrections. I concur in the Director's response.

Please let me know if I can be of further assistance.

Sincerely yours,

WALTER E. WASHINGTON, *Mayor.*

Enclosure.

UNITED STATES GENERAL ACCOUNTING OFFICE,
GENERAL GOVERNMENT DIVISION,
Washington, D.C., June 5, 1975.

Hon. WALTER E. WASHINGTON,
Mayor of the District of Columbia.

DEAR MR. WASHINGTON: Thank you for your prompt reply to our request of May 27, 1975, for information concerning the District's actions on the recommendations in our report "Better Management Needed For Tighter Security At Lorton Correctional Institutions," dated June 21, 1974.

Although the enclosure to your letter of June 2 was dated May 29, 1975, it appears to us that most of the data was prepared a number of months ago and therefore does not show the current status of the District's actions on our recommendations.

Some obvious examples:

1. In response to our recommendation that correctional officers be assigned full-time to each dormitory, the enclosure discusses Congressional action on the District's fiscal year 1974 budget request for additional correctional officers. No information was provided concerning District efforts to obtain necessary staffing in fiscal year 1975, or, if still needed, what has been requested in the fiscal year 1976 budget.

2. In response to our recommendation for the construction of another fence around the medium security facility, the enclosure states that the Department of Corrections does not plan to construct such a fence. Yet we have been advised that, within the past year, a second fence has actually been constructed along certain sections of the facility's perimeter.

3. We recommended that the Department establish uniform and definitive guidelines for all institutions for selecting inmates for rehabilitation leaves of absence. The enclosure states that the Corporation Counsel has recently issued a ruling regarding proposed changes in the Department's furlough policy and that guidelines *can now be issued.* The Corporation Counsel's ruling was made in *October 1974* and we were advised that the guidelines were issued in *November 1974.* Information about these guidelines or whether they followed our recommendations was not provided.

We would appreciate receiving the most current and accurate information on the District's actions on our recommendations for our use during the forthcoming hearings before the Senate Committee on the Judiciary, Subcommittee on National Penitentiaries.

We would also appreciate receiving a copy of your report to the Senate and House Committees on Government Operations as required by the Legislative Reorganization Act of 1970.

Sincerely yours,

FRANK MEDICO, *Assistant Director.*

WASHINGTON, D.C., *June 11, 1975.*

MR. FRANK MEDICO,
Assistant Director,
General Government Division,
U.S. General Accounting Office,
Washington, D.C.

DEAR MR. MEDICO: This is in response to your communication of June 5, 1975 which requests more current data on actions taken in response to the GAO report of June 21, 1974 on Lorton security. The Department of Corrections is making an extensive review of status of conformity to all recommendations made in the Lorton audit. This review will be forwarded to you when completed.

One of the principal criticisms of the Lorton audit centered on the furlough program. Subsequent to that criticism and actions of former Attorney General Saxbe, the Department of Corrections issued a departmental order establishing new policies on eligibility for and management of work furlough programs. A copy of the order is attached. Since the order was issued, there has been only one escape from the furlough program and the escapee was subsequently apprehended. Additionally, the Department of Corrections has established two staff positions with responsibility to monitor the performance of individuals released under the furlough program.

With respect to perimeter security and fencing, several projects have been undertaken since the Lorton audit. Several hundred feet of double fencing have been installed around two areas which have been the source of security problems. For reasons indicated in our original response, there is no plan to install a second fence around the entire Medium Security Facility.

In addition to fencing, the Department of Corrections will complete a perimeter road by mid-summer. Additional sirens are on order and will be installed. High-intensity street lighting has been installed, and high-intensity perimeter and complex lighting will be installed. Most important is that these improvements, as well as the fencing, have been planned to conform to the proposed Lorton Improvement Program which I initially submitted to the City Council in February, 1974. On March 11 of this year, the District of Columbia and State of Virginia agreed to security improvements at Lorton. A copy of the Order signed by Judge James C. Cacheris is attached.

The fiscal 1976 budget which is now before the City Council proposes 54 additional correctional officer positions for Lorton institutions, of which 20 are earmarked for entrance patrol and shakedown security at the Medium Security Facility. Establishment of these additional correctional officer positions can only be considered following a review of department resources once the fiscal 1976 final budget actions for the Department of Corrections are taken. Current manpower availability will not allow the assignment of correctional officers to every dormitory for one or more shifts per day. Continued delay in implementation of the Lorton Improvement Program will require a reappraisal of manpower security requirements.

I welcome the opportunity to provide information on the substantial improvements we have made at Lorton and with respect to furlough programs. My staff and I stand ready to provide any additional data and information which you may require.

With regard to the District report to Congress on status of action on GAO audits as required by the Legislative Reorganization Act of 1970, a copy of this report will be forwarded to you as soon as it is transmitted to the Congress.

Sincerely yours,

WALTER E. WASHINGTON, *Mayor.*

Senator SCOTT. But now, have you or any members of your staff visited the facility at Lorton to verify the information that is in the letter?

Mr. LOWE. No, sir. Our people spent quite a bit of time at Lorton when we were doing our original review a couple of years ago, but we have not gone back down to verify what actions have been taken.

Senator SCOTT. Then you have not updated your report since June of 1974?

Mr. LOWE. That is correct, yes, sir.

Senator SCOTT. Alright sir, whatever else you may have, Mr. Lowe.

Mr. LOWE. We have, as I said, this letter dated June 11 from the Mayor and he points out that they are reviewing the status of the actions taken on the recommendations that we made.

Also, he mentions in his letter that there is a requirement in the Legislative Reorganization Act of 1970 that when the Controller General or General Accounting Office makes a recommendation, that within 60 days a response be given to the appropriate committees including the Appropriations Committee and the Government Operations Committee on both sides of the House.

The Mayor indicates the status of that particular report according to his letter has not yet been submitted, but he's going to send us a copy when it does go to Congress.

Senator SCOTT. To your knowledge, has it been submitted to date?

Mr. LOWE. As of June 11, it had not been. I have not seen it since then.

Senator SCOTT. It had not been as of June 11?

Mr. LOWE. Right, sir.

Senator SCOTT. Alright, *sir*.

Mr. LOWE. I have with me Mr. Frank Medico who is assigned to our work at the District of Columbia and this work we did was carried out under his general direction.

Also, I have Calvin Cookfair who worked on this particular project and we'd be glad to respond to any questions you might have, if we can.

Senator SCOTT. Well, I wonder if you two gentlemen or either of you would have any comment that you would like to make. Perhaps they could use the other mike, Mr. Lowe.

Any comments that you would have to make with regard to the investigation by the General Accounting Office, any knowledge that Mr. Lowe has not commented on that you feel should be available to the committee.

Mr. MEDICO. No, we don't have any specific comment other than what has been summarized. If you have any questions on what has been delved into, we'd be happy to provide additional information.

Senator SCOTT. I believe we have a copy of your original report. Do we have that, for the record?

We will include your report within the files of the committee, so we have that.

The other gentleman, do you have anything you would like to say that might supplement what Mr. Lowe has said?

Mr. COOKFAIR. No, sir, I don't have anything additional to add.

Senator SCOTT. Let me thank you gentlemen for being here. I have no further questions. We appreciate your investigation. I would prefer to talk with the Chairman, since I am just acting in his behalf, as to whether we would want you to make any further check of these facilities or not. It may well be that sometime in the future, we would want you to make a further check, but thank you for being here.

Mrs. Hardy, we are operating under a time constraint and we may have to adjourn the meeting within the next 10 or 15 minutes and I would just ask that you present any matter that you consider proper, but try to limit your time as best you can. You go right ahead.

Mrs. HARDY. Thank you very much, Mr. Chairman. I do have a prepared statement that is relatively short and I would like to read it. I may just summarize part of it.

Thank you very much for inviting me here today to present my position on Senate bill 1243 under consideration here today.

As chairwoman of the District of Columbia Council's Public Safety Committee, I strongly oppose this bill which proposes the transfer of the Lorton correctional facility to the District of Columbia.

I am deeply concerned about the safety of all people, not just the residents of the District of Columbia. I shall do all that is within my power to insure the safety of District residents and the residents of any jurisdiction in which the District of Columbia is involved.

Senator SCOTT. Mrs. Hardy, bear with us for a moment.

Frankly, I have read your report at an earlier time, and I am told by my staff that the Senate is presently in session and conducting legislative business and therefore we are in violation of the Rules of the Senate if we continue to sit, and yet what I would ask you to do, if you will, is to file your statement for the record. I have read every word of it. I had some questions that I wanted to ask you about it.

Perhaps if there is something that you feel is more important than others, why, perhaps if you take 2 or 3 minutes to just explain to us and I will forego the questions, just let you make any statement that you care to, but we are going to have to adjourn.

[Statement of Mrs. Hardy follows:[

TESTIMONY OF THE HON. WILLIE J. HARDY (D–DISTRICT OF COLUMBIA COUNCIL)

Good morning Mr. Chairman, members of the committee, thank you for inviting me here today to present my position on Senate bill 1243 under consideration here today.

As chairwoman of the District of Columbia Council's public safety committee, I strongly oppose this bill which proposes the expeditious transfer of the Lorton correctional facility from its present location in Fairfax County, Virginia to the District of Columbia.

I am deeply concerned about the safety of all people, not just the residents of the District of Columbia. And, I shall do all that is within my power to ensure the safety of District residents and the residents of any jurisdiction in which the District of Columbia is involved. In balance, I must state that I abhor the thought that fear tactics and chicanery may have been used to arouse citizen's concerns about the Lorton complex being a threat to their safety. It is disgusting to think that these people have been used as scapegoats to satisfy the political aspirations of a few and real property profit expectations for another few. When we take a calm, close look at the situation before us, we will find that the source of the problem is *not broken promises* on the part of the District Government, but *land*.

Prior to my taking office in January, 1975, the District of Columbia had been negotiating and approaching finalization of a memorandum of understanding between them and the Fairfax County Board of Supervisors concerning security improvements to the Lorton facility. Further, acting in good faith, the District of Columbia included in its capital improvements budget of $55 million dollars for modernizing and improving the total complex. On October 23, 1974, Mayor Walter Washington wrote to Mrs. Jean Packard, chairwoman of the Fairfax

County Board of Supervisors, outlining the District's Lorton improvement plan (LIP).

A few days after I took office, I met with Mrs. Packard and members of the Fairfax County Board of Supervisors who at the time were concerned that security improvements to that facility were not underway. As a result of my initial and subsequent meetings, the memorandum of understanding was amended, although not finalized, and work was begun on certain improvements demanded by the Fairfax County Board of Supervisors.

Three hundred thousand dollars ($300,000) was appropriated for the immediate construction of a perimeter road, double fencing and the installation of various electronic surveillance devices. The perimeter road is presently under construction and the double fencing has been completed. The surveillance devices are on order and scheduled to be installed this fall.

After we attempted to show good faith, the Fairfax County Board of Supervisors still saw fit to file suit against the District of Columbia on May 20, 1975. I might note, that their suit is quite similar to the one filed against us by the Commonwealth of Virginia which, incidentally, was settled out of court in March, 1975. This settlement was largely on the basis of the District of Columbia's demonstration of good faith in improving its security at the facility.

The time limitation placed upon the District of Columbia to acquire land and build a penal institution within its own confines is unrealistic. For example, we now have a new $30 million dollar detention center which will replace our old jail. It will have taken three years to build this center when it opens in June 1976. The center will house 960 inmates.

How then can this city be expected to identify land, plan, develop and build a penal institution "* * * to provide for the imprisonment, subsistence, care, and proper employment * * *" of the incarcerees presently housed at the Lorton complex.

In order to accomplish this fete, we would need at least 2,400 acres of land to properly approximate the existing facilities on the Lorton reservation and the new buildings proposed in the Lorton improvement plan. The prison population at Lorton is more than double the expected population of our new detention center. I have identified certain areas of land here in the city that are now vacant, but none of these areas approach the amount of acreage needed for the construction of a complex of comparable size to that which is situated on the Lorton reservation.

Any land identified as suitable for building a penal institution in the District must be large enough to accommodate the agriculture division and correctional industries presently in operation at the Lorton complex. These are profit making ventures which would lessen our taxpayer's burden. They would also permit the District of Columbia to comply with the proposed section 4003A(a) of this bill in terms of providing *"Proper Employment"* for the inmates. No one would argue that employment is a very integral part of the habilitative process.

The agriculture division is comprised of the dairy, beef herd, farm and landscaping units. The dairy unit provides all the milk requirements for the institution and the beef herd supplies one fourth of the beef requirements. In 1974 the dairy unit's milk production was valued at more than $234,000. Sales profit from the correctional industries for the first half of fiscal year 1975 were $880,781. Therefore, the District could ill afford to discontinue these operations.

I have given some thought to decentralization and mini-prisons being scattered throughout the city and dismissed the idea. The department of corrections is moving forward with its alternatives to incarceration, especially the halfway house concept. Our residents are just now beginning to accept halfway houses. And, to establish mini-prisons across the city, in addition, is clearly infringing upon the rights of our citizens.

One could argue that our old jail and new detention center is surrounded by residential neighborhoods. However, D.C. jail was built in 1875 and the presently existing homes were built much later. Therefore, the residents who purchased homes in this area *did so* as a matter of choice, and with the knowledge that they would be living near a jail. As a matter of fact, the same could be said about the residents of Fairfax County who purchased homes near the Lorton reservation. In 1910 when the central facility was built, this portion of Fairfax County was remote and undeveloped. Much development of the lands surrounding the reservation occurred later.

According to sample figures from the Fairfax County Real Estate Assessment Office, the property values in the area surrounding the Lorton reservation increased by an average of 279% from 1966 to 1973. The reservation land itself, increased in value by 399%, or $12 million dollars during the same period of time. Further, the preliminary area IV land development plan for Fairfax County would develop the reservation for housing and would include, 4,600 houses costing approximately $75,000 each. In fact, the preliminary plan suggests developing 80% of the land for housing and 20% for recreation and commercial use.

It is indeed regrettable that the unfortunate incidents that have occurred at the Lorton complex can be used to veil, what I consider, the real ulterior motive for this most recent campaign to drive the District of Columbia out of Fairfax County.

The requirements of Senate bill 1243 would negate the District's 5 year master plan. This bill would require the District to *replace* all the buildings. These many facilities will be needed to *house* those presently incarcerated. Two of the new facilities would have expansion capabilities. Seven buildings will be necessary to handle the population projections for this facility which range from 1,300 to 2,400.

Construction, itself, could quite possibly be more costly within the District than it would at the Lorton reservation, although the pay scale is the same as the District's labor rates. Miscellaneous problems encountered in construction would certainly become manifest in any incity building, and these problems are usually translated into higher costs.

Site work constitutes the major variable. Preparation for construction at the Lorton reservation is significantly different from what should be expected in city construction. Public park land within the city would have site preparation costs similar to Lorton costs. Site preparation costs would be even higher if condemned residential areas are used.

In addition to those already mentioned, construction costs would also be generated in the restructuring of many operating facilities of the institution. Among these would be: warehouses, bakery, meat processing plant, rifle range, training academy, transportation yards, and the Department of Human Resources center for alcoholics.

Finally, I feel compelled to talk just a little about how disruptive a transfer of this nature would be to our city. In 1908, President Theodore Roosevelt appointed a Commission on Penal Institutions specifically to investigate the overcrowded conditions at the D.C. jail. Among their recommendations were that land should be purchased outside the District of Columbia. The reasons cited were in the interest of the residents of the District of Columbia and the incarceree. It was felt that to build another prison here would impede this city's development. It should also be noted, that the population was only 331,000. Now, in 1975, with a population of over 700,000, we are faced with the possibility of having to build a penal institution. There is no longer suitable land available and our population is such that providing suitable housing has reached crisis proportions.

Washington, D.C., lest we forget, is this Nation's Capitol. Nothing should be done to this city to destroy its beauty or retard its positive growth and development in order to accommodate a relative few.

In conclusion, I respectfully urge this committee to reconsider Senate bill 1243 on the issues I have presented.

Thank you.

Mrs. Hardy. I understand that, Senator. I do not find any statement in here a more important statement than some other one. I think they are all equally as important, and since you read them, I will submit to any questions.

Senator Scott. I have read them, and it is a fine statement. We appreciate your submitting it. I had heard at one time that you were, that you felt the facility should be relocated within the District of Columbia.

If you have ever entertained that thought, have you abandoned it? Or did you ever ever entertain it?

Mrs. HARDY. I never entertained such thoughts, Senator. I went through the history and it was this Congress that decided it should be in Virginia and I have never thought it should be anyplace else.

Senator SCOTT. And that was around the turn of the century?

Mrs. HARDY. Yes, and I thought they had very good reasons then and I think those reasons still prevail.

Senator SCOTT. Thank you very much. I don't believe there is anyone else, is there Mr. Counsel?

The committee will stand adjourned.

[Whereupon, at 12:10 p.m. the subcommittee adjourned.]

TRANSFER OF LORTON REFORMATORY TO THE DISTRICT OF COLUMBIA

TUESDAY, SEPTEMBER 9, 1975

U.S. SENATE,
SUBCOMMITTEE ON NATIONAL PENITENTIARIES,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:05 a.m. in room 2228, Dirksen Senate Office Building, Senator Quentin N. Burdick, presiding.

Present: Senators Burdick and Scott.

Also present: James G. Meeker, staff director; Christopher Erlewine, deputy counsel; Richard Kait, minority counsel, and Judith E. Snopek, chief clerk.

Senator BURDICK. Our first witness this morning will be Mr. Major Travis, national president, American Federation of Government Employees, District of Columbia local. Mr. Travis?

STATEMENT OF MAJOR TRAVIS

Mr. TRAVIS. I wonder if I may have the gentleman from Lorton sit with me.

Senator BURDICK. We will be pleased, gentlemen. Proceed in any manner you wish. The full statement will be made a part of the record. You may summarize the high points, if you wish.

Mr. TRAVIS. Thank you very kindly.

I'm Major H. Travis, the national vice president of the 14th district of the American Federation of Government Employees, giving this statement for Mr. Clyde M. Webber, the national president of the American Federation of Government Employee of the AFL-CIO.

Mr. Chairman and distinguished members of this subcommittee, AFGE represents over 675,000 employees of the Federal Government in exclusive recognition units throughout this country and overseas. It is the largest Federal labor union.

We are privileged that AFGE also represents over 8,300 employees of the Government of the District of Columbia, including all 1,325 eligible employees of the Department of Corrections, where we have an exclusive recognition unit. It is especially on the behalf of the working men and women of the Department of Corrections now employed at the Lorton penal institutions that I wish to express my appreciation to this subcommittee for this opportunity to testify on S. 1243.

72-807—76——11

This bill seeks to address a problem which already is of great importance to all the residents of the metropolitan area—what to do about Lorton.

But, in a deeper sense, the problem of Lorton touches on matters of principle which concern every citizen everywhere in the United States. What to do about convicts? And how to provide adequate safeguards for the rights of correctional officers and all employees of penal institutions? Does S. 1243 need any amendments to attain the best solution to both sets of questions?

This bill directs the Attorney General to transfer the inmates of Lorton to either penal or correctional facilities to be designated or constructed in the District of Columbia, or to Federal facilities elsewhere, or to State, territorial, or local institutions. The Attorney General is also directed to sell all the lands, buildings, and other facilities that comprise the Lorton penal institutions, including the correction complex, the minimum security facility, the youth correction center, and the alcoholic rehabilitation center. The proceeds of this liquidation sale are to be used to help defray the expenses—and undoubtedly they will be heavy—involved in placing Lorton inmates elsewhere.

Finally, S. 1243 prohibits the government of the District of Columbia from using, as intended, all funds now dedicated to renovation or improvements at Lorton. Instead, these funds must be spent only to establish facilities to receive Lorton inmates in the District of Columbia.

By means of its provisions the bill seeks, of course, to protect the citizens of Virginia from the dangers posed by inmates who escape from the Lorton penal institutions. We applaud and wish to further this intent, particularly since a large number of the employees of the Department of Corrections who work at Lorton have their families living nearby. These employees and their families share equally in the hazards imposed upon the community by Lorton escapees. They, too, are threatened.

We believe, however, that dismantling Lorton is not necessary. Other ways and means are readily available to assure both safety and a justified feeling of security to the citizens of Virginia. For example, we believe that the problem of poor security at Lorton is in large part a problem of improving management by improving its resources. The development and implementation of improved policies, procedures, and practices to promote better security would, in our opinion, quickly reduce the alarming number of escapees that occur at Lorton. And we ask: Doesn't it make more sense, isn't it more economical and efficient to solve this problem "in place", than just to move it somewhere else?

As for the taxpayer, this bill does not authorize any fixed amounts except the proceeds of the sale of Lorton to reestablish the facility in Washington, D.C. Consequently, the prospects of a rational budgetary option within the District appears illusive, if not illusory. We believe the Attorney General should not be confronted with an assignment which does not lie within his sole power to complete. If the District of Columbia is to be the new site, definite funds should be authorized and appropriated now. These would run, we fear, in the vicinity of hundreds of millions of dollars.

Some people have recommended "Federalization" of the Lorton penal institution as the best solution. They feel that if the Lorton penal institutions were placed under the authority of the Bureau of Prisons, U.S. Department of Justice, Federal policies, procedures and practices could be quickly implemented to correct the situation that now prevails at Lorton. But such a federalization in place really is a proposal only to change management practices. Consequently, this proposal is really in substance only a variant of the opinion that Lorton should stay where it is.

Senator SCOTT. Mr. Chairman, could I interrupt the witness at this point?

Are you aware that the former president of the American Federation of Government Employees in prior testimony testified in favor of a transferring of the jurisdiction of the Lorton facilities from the District of Columbia to the Federal Bureau of Prisons; and could you address yourself to any change in the views of the leadership of the American Federation of Government Employees in that connection?

Mr. TRAVIS. Yes, sir. The testimony to which you allude was some years ago. Subsequent to that time much study and research has been put into the situation as further development occurred, and it is the opinion now, as stated in the testimony, after research and study by the National Federation.

Senator SCOTT. Of course, Mr. Griner is dead, he has been dead for a couple of years. But you are saying that the Federation does not now support the views that Mr. Griner indicated before the House District of Columbia Committee approximately 4 or 5 years ago?

Mr. TRAVIS. I think that was about 1969, and the developments subsequent to that date have changed the picture.

Senator SCOTT. You are saying your testimony is different on behalf of the current national president, that he has changed his mind from the views that Mr. Griner held when he was president of the American Federation of Government Employees?

Mr. TRAVIS. That is correct, largely due to change in the situations.

Senator SCOTT. Thank you, Mr. Chairman.

Senator BURDICK. Proceed.

Mr. TRAVIS. Consequently, this proposal is really in substance only a variant of the opinion that Lorton should stay where it is but be managed differently by getting access to more funds and resources. But, "Federalization" does not take into account the criterion of present "home rule" and, possibly, eventual statehood status for the District of Columbia. It thus averts attention from prime legal and political factors in this area.

We note that S. 1243 omits to make any provisions at all for the several hundred dedicated employees now working at the Lorton penal institutions whose skills would be lost or dispersed. This is a great loss to the Government. But they also would suffer directly by the loss of the jobs and incomes. Both the Government and the employees would be harmed.

Mr. Chairman, distinguished members of this subcommittee, we believe that fairness and consideration for the just needs of others indicate that the deserving employees at Lorton should get a "square

deal". We therefore respectfully suggest that S. 1243 be amended so that these hardworking men and women—guards, medical technicians, clericals, cooks and all the rest—can be given a decent opportunity to continue in their occupation without the loss of pay and hard-won rights. We therefore recommend that a new provision be added to S. 1243 as follows:

In the event the inmates of the Lorton Penal Institutions are transferred to other penal or correctional facilities in and under the jurisdiction of the District of Columbia, on the effective date thereof, all personnel employed by the Government of the District of Columbia at the Lorton Penal Institutions shall be assigned to related functions and organizational units located at the new facilities, without loss of salary, rank, or other benefits, including the existing right to representation and to the existing bargaining units, certifications, and collective bargaining agreements. And, in the event the Attorney General transfers the inmates of the Lorton Penal Institutions to other penal or correctional facilities under his jurisdiction, all personnel employed by the Government of the District of Columbia at the Lorton Penal Institutions shall, unless assigned to related functions and organizational units in the Government of the District of Columbia without loss of salary, rank, or other benefits, be assigned to related functions in the Federal Bureau of Prisons, without loss of salary, rank, or other benefits. The right to representation and existing bargaining units, certifications, and collective bargaining agreements shall be preserved to the maximum extent feasible.

This amendment is equitable, and its terms are sensible. But it does not, indeed it cannot, make the employees who may be displaced from Lorton altogether whole. Another problem remains. Many of these employees have deep roots in Virginia. They have purchased homes, established friendships, joined in neighborhood and civic work, and enrolled their children in local schools. Yet, if Lorton is disestablished, and its inmates dispersed to Federal penitentiaries, a large number of employees may be forced to relocate if they are to exercise the job rights guaranteed to them by our amendment. Depending upon the future course of events, some employees may be forced to move hundreds of miles or more. We know these employees well, and they are willing to do this. They are not looking for charity, but for a chance to continue to apply their skills and experience in jobs for which they have been trained and in which they have worked. They are willing to do more than their part and make the many personal sacrifices required to follow new job opportunities.

This burden, however, would fall too heavily upon those employees nearing retirement after many devoted years of service. These employees are likely to have the strongest ties to their community and to have longstanding arrangements and plans for their retirement years—arrangements and plans founded upon the assumption that they would continue to live and work in the Lorton-Occoquan area of Fairfax, Va.

In the interest of justice, and in recognition of a job well done, we respectfully suggest that S. 1243 be further amended to provide an option of early retirement to those employees who are displaced by the closing of Lorton but who do not by reason of their occupation qualify for the early retirement opportunity granted to law enforcement officers by the provisions of section 8836(c) of title 5, U.S. Code. We propose, therefore, this additional provision:

(c) For the purpose of immediate retirement, the disestablishment of the Lorton Penal Institutions, located in the Lorton-Occoquan area of Fairfax

County, Virginia shall be the equivalent of a major reduction in force, and upon such disestablishment, the Civil Service Commission shall provide that all employees employed by the Government of the District of Columbia at the Lorton Penal Institutions who elect to voluntarily separate from the service of the Government of the District of Columbia shall be entitled to a reduced annuity if eligible under the provisions of Section 8836(d)(2) of Title 5, United States Code.

In summary, we thank Senator Scott for his efforts to protect the lives and property of orderly and law-abiding citizens. We agree that something must be done, soon, to tighten security at Lorton and to deal with the many other horrifying and tragic problems that now exist there. But, we again express our opposition to the disestablishment of the Lorton penal institutions.

Lastly, it is imperative that this legislation be amended to protect the livelihood and well-being of the employees of the Department of Corrections who work at Lorton.

We have suggested such amendments and hope that this subcommittee will act favorably on them.

Mr. Chairman and distinguished members of this subcommittee, we wish to express our heartfelt appreciation for this opportunity to appear before you and present our thoughts on a matter that greatly concerns the lives of so many AFGE members and citizens. We pledge all our efforts to work with you to find the proper, most effective solutions to the many complex problems posed by the Lorton penal institutions.

Again, kindly, we thank you.

Senator BURDICK. Thank you for your message this morning. Do other members of the panel wish to add anything here? Yes, sir.

Mr. SALTER. Mr. Chairman, my name is William R. Salter, I am president of local 1550 of Lorton, and, making a pronouncement of this kind, the stability of Lorton over the past year has improved, I would say, better than any Federal penal institution within the confines of the United States.

We have only one escape from Lorton since last December, which I think is a good and enviable track record for any prison. The request made by Fairfax County has been complied with, a perimeter road is being built around the institution; sirens installed to warn people of an escape that has taken place, or may have taken place. And with all of these improvements that we have made, plus the additional fencing that has been erected since that time, I think now that we have lived up to the community's request.

It is a sincere request of the members that I represent, which is total, that Lorton be left in its present confines for the benefit of the people. We also—into the northern Virginia community—the Lorton area puts about $15 million into the economy, and we wish to bring this out.

And also, the bill by Senator Scott, why, doesn't make provisions for these employees to be replaced, and the Federal Bureau of Prisons has expressed that they are filled with employees, they can't take any more; and consequently this is going to cause a disruption of the lives of a great many people. And I don't think this is anything other than transferring a problem from one area into another. I thank you, sir.

Senator BURDICK. Mr. Travis, you said in your statement that a major part of the solution to Lorton problems is improved management. In recent months, has there been any change in management performance at Lorton, in addition to what you gentlemen have just testified?

Mr. TRAVIS. I'm happy you asked the question, I was going to add something to the testimony in that respect. Yes, there has been a great improvement in management in recent months.

Along with that, I have met with Mayor Washington, and I had the gentlemen, the representatives from the local with me; we had our general counsel, also meet, and we prepared an agenda which we will sit down and negotiate. There will be a team from Mayor Washington's office, headed by Mr. Dugas, the Deputy Mayor and City Administrator. The team from AFGE will be headed by General Counsel Lou Pellerzi. There will be members of the local, representatives from each institution in our community.

We have prepared an agenda that is going to deal with just about every ill or evil that we can find in Lorton, or in the Department of Corrections, such as management.

We have found that the management there has been lax to some great extent, we are tightening up on it. We have been going through the entire Federal regulations that govern the entire Corrections Department. We are going through it and recommend what changes are necessary in order to tighten up the management situation. We are going through the complexes and we are spot-checking what needs to be done there, as input from the gentlemen of the local who work in these areas.

We are going to negotiate this agreement to correct every evil and ill we can find in the Department of Corrections, and I am sure when we shall have finished, that we will have a new Department of Correction. We are now only waiting for Mr. Dugas to give us the appropriate date that he will find it convenient to bring his team to sit at the table.

Senator BURDICK. Approximately how many union-eligible Lorton employees live in Virginia?

Mr. TRAVIS. I'm sorry.

Senator BURDICK. Approximately how many union-eligible Lorton employees live in Virginia, what's the number?

Mr. BAHR. My name is Clarence Bahr, I am secretary-treasurer.

I should state first of all, according to the last printout you have a total membership of 1,066 acting union members, not including those on compensation or retirement. It is my estimate, since I'm the one that handles the mailing list—I have not broken it down—but it would be at least 80 percent, or roughly 800 people, that actually reside in Northern Virginia.

Senator BURDICK. In the event of the federalization of Lorton you propose an amendment to find the employees comparable jobs in the Federal system. If comparable jobs were found, would the salaries necessarily be the same, or would there be any differences?

Mr. TRAVIS. We would hope that everything would remain the same, salary, rate, position; maybe a change of position everything else equal.

Senator BURDICK. In the event that Lorton is dismantled, you propose an amendment which would give certain employees the option of early retirement. Could you estimate how many employees would be affected by this amendment, and what the additional costs would be?

Mr. SALTER. I would say roughly—and this can go either way a few percentage points—about 30 percent.

Senator BURDICK. That many would be eligible for early retirement?

Mr. SALTER. Yes, sir.

Senator BURDICK. I don't suppose you have any estimate of the additional cost to the Federal Government.

Mr. SALTER. No, sir, I don't have that.

Mr. TRAVIS. What is the average grade?

Mr. SALTER. The average grade would be a GS–7.

Senator BURDICK. I wonder if within a week or so you can supply us what the costs might be?

Mr. TRAVIS. Yes, sir. However, might I add, we have to recognize the fact that early retirement for those employees, it would be less expensive for the Government should they continue to work at the present salaries, much less.

Senator BURDICK. I understand. By the same token, you may have to hire replacements.

Mr. TRAVIS. Well, they will be more than likely be hired at a lower grade from the start, and still be less expensive.

Senator BURDICK. Senator Scott?

Senator SCOTT. Thank you, Mr. Chairman.

Mr. Travis, you may be aware that this matter was first brought to the attention of Members of the Congress by members of your organization. I remember Mr. Bahr being one of the individuals that was concerned about the conditions at Lorton. The correctional officers at the Lorton penal institution were the ones that came in great numbers to my office when I was the Congressman from the Eighth Congressional District, and to Congressman Broyhill's office when he was a member of the District of Columbia Committee.

I bring this to your attention, and you may well have been aware of that. But they told us that there were what they considered to be almost unbearable working conditions at the Lorton penal institution. It was at their suggestion that I offered legislation in the House of Representatives that would transfer jurisdiction from the District of Columbia Government to the Federal Bureau of Prisons.

As I indicated, the testimony of your then national president, John Griner, testified in favor of this transfer. I see Mr. Lynch of your legislative staff here in the audience, I believe he was present at that time.

Well, let me agree with you that I feel that the employees should receive a square deal. There is no question that the employees at the Department of Correction should not be penalized, regardless of what action we might take. Now, whether or not an amendment should be made, as you suggested, I believe that is something the committee should study and give consideration to.

Now, this early optional retirement, as I recall for the benefit of the record, this would give the option to the Federal employee who might not want to change, to go to another location in the District of Columbia, rather than in Fairfax County, or possibly somewhere within the Federal system, he could retire if he had 25 years of service, regardless of his age; or 20 years of service if he was more than 55 years of age. Is that your understanding of the present law?

Mr. TRAVIS. I don't know exactly.

Senator SCOTT. You tell us what it is.

Mr. TRAVIS. Let's say there was someone in a group that had 20, 30 years of service, and he was only 52 years old, and they had a reduction, abolishment of the position. He would be eligible for retirement with an annuity of 2 percent less per year for each year he is under 55. In other words, he could retire, but at 52 he would lose 6 percent of his retirement because he is 3 years under 55.

Senator SCOTT. But you are saying it would be the same law as now exists where there have been major reductions in force in a governmental agency.

Mr. TRAVIS. That's correct.

Senator SCOTT. You are not asking for a special law, you are just asking that the Lorton employee under this situation would come within the general legislation where there is a major reduction in force in a Government office.

Mr. TRAVIS. That's correct. I think that is covered under 8836.

Senator SCOTT. The chairman asked about the pay of the employees.

Are the correctional officers employed at Lorton under the federal pay scale?

Mr. TRAVIS. Yes, sir.

Senator SCOTT. Then, if they were transferred from a given grade, Grade 7, for example, at Lorton, to a Grade 7 at the Federal Bureau of Prisons, it would be the same salary.

Mr. TRAVIS. Yes, it would be.

Senator SCOTT. Is that correct?

Mr. TRAVIS. Yes.

Senator SCOTT. Well, Mr. Travis, I heard the president of the Local 1550 indicate there has only been one escape during the past year at the Lorton facilities. Have there been any deaths at Lorton during the past year, any deaths from violent cause?

Mr. SALTER. Yes, sir; there has been.

Senator SCOTT. How many?

Mr. SALTER. I'm not certain about this, I know of two, sir.

Senator SCOTT. Have there been correctional officers, or inmates?

Mr. SALTER. Inmates.

Senator SCOTT. There have been no correctional officers' deaths.

Mr. SALTER. Not since last December.

Senator SCOTT. Have there been correctional officers' injuries due to violence caused during the past year?

Mr. SALTER. Yes, sir; there have.

Senator SCOTT. Well, then your testimony would be that everything is not the way you would like for it to be at Lorton; would that be a fair statement?

Mr. SALTER. Sir, if I may inject here, in answering your question, prisons, anywhere in the United States, I haven't seen a one that couldn't be improved. Correctional people, criminologists, penologists have worked on this problem ever since Lombroso back in 1830, they have found no solution to this problem. I wish that we could find a solution to this problem. That is one of the risks you take being employed at a prison. But, I would say this, that our track record so far this past year has been very enviable throughout the United States.

Senator SCOTT. For how long?

Mr. SALTER. Even compared with the State of Virginia, we have much less escapes and much less violence at Lorton than they do in the State penal institutions of Virginia, or any other surrounding State, Maryland, or any State bordering.

And this I consider in giving you this opinion, when an officer takes a job at a penal institution anywhere in the United States, he realizes that there is a risk. You have to be of a certain psychological nature in order to work at one.

Senator SCOTT. How long have you been employed at Lorton?

Mr. SALTER. Since 1971, sir.

Senator SCOTT. Now, where were you employed prior to that time, with a correctional institution?

Mr. SALTER. No, sir, I was engaged directly in detective work, and before that police work.

Senator SCOTT. Well, then you were not one of the correctional officers that came to my Congressional office, protesting the working conditions at Lorton.

Mr. SALTER. No, sir, I was not. And I would say this, sir, that in the past, when I first came there in 1971, that there were major improvements that needed to be made, and I agree with you wholeheartedly on this. The administrative control of the prison was certainly lacking in a great way. But, due to the effect of openness of officers and the administrators of the prison, along with our director, Mr. Jackson, I think that there have been considerable improvements made, security has been tightened; and the record speaks for itself in this past year.

Senator SCOTT. You are speaking on behalf of all the members of your local——

Mr. SALTER. Yes, sir.

Senator SCOTT [continuing]. When you make this statement?

Mr. SALTER. Yes, sir; I am. This I want to tell you, that it's not 100 percent, but certainly the majority.

Senator SCOTT. Well, I'm glad to hear this. This couldn't be recognized as the same sort of statement as was made by the then local president. I was at your local with the national president when there were protests all over the room, a very disorderly meeting. Mr. Griner was present at the local meeting, and there was not one good word said about the management at Lorton at that time, and I am glad that the situation has changed, so that your membership is now satisfied with the operation of the Lorton Penal Institution.

Thank you, Mr. Chairman.

Mr. SAKALAUKAS. Senator Scott, may I inject something at this point? I'm Joe Sakalaukas, I'm vice-president of the union, and I was involved in the period of time that you are talking about, 1968, 1969.

Senator SCOTT. Excuse me, you are vice-president of the National Union?

Mr. SAKALAUKAS. No, of Local 1550.

Senator SCOTT. Oh, I see. Go ahead, sir.

Mr. SAKALAUKAS. I'm aware because I was involved in the past president's time, when Mr. Griner was president. But, time changes things. At the time you are talking about the population at one institution, the complex alone, the one we are trying to move out, that big one down there, the old reformatory, at the time we came to your office and Mr. Broyhill's office, and had the bills made, the population down there was over 2,000, 2,000 inmates.

The dormitories, there was no work being done on them; no facilities were being maintained or repaired, rehabilitated, or anything like that.

Today we are sitting here again. Today we are sitting here again and the population down there is cut in half.

Senator SCOTT. Only a thousand?

Mr. SAKALAUKAS. A little over a thousand, about 1,100 or 1,200 it varies from day to day, depending on the jail count, what we send in and out. So, the population there, which makes the facilities more able for us to handle. And dormitories, I believe they renovated about eight or ten dormitories and are in the process of renovating more.

And I believe if you had the same people here today that were talking to you under this condition, they would be talking just the way we are today. So, I mean, one is talking about the past 5, 7, 8 years ago; and we are talking about now. Just to get the thing into perspective.

Senator SCOTT. Well, I'm glad you are doing that. Now, as far a the dormitories are concerned, you had barracks-type buildings. Have these all been torn down now?

Mr. SAKALAUKAS. No, they are not torn down, they are being renovated. Eight of them have been completely renovated, and they are working on two more now.

Senator SCOTT. How are they renovated?

Mr. SAKALAUKAS. They gut them. In other words, the old buildings only had a small window the old-type house used to have in the basement. They pulled them down and they are about 10 feet tall. There is more light in the area; they are retiling them; new lighting systems are in them; heating systems have been renovated, they even got fans in them.

And from the time I was there, and up at your Committees and talking as things were then, it's a lot different today than it was then, populationwise, geographywise. They tore down some of the old buildings down there, not all, but they are tearing more down, so that the observation from the towers can be more efficient.

But these things are being done, and they are in the process right now of being done. They weren't done at the time you referred to, when Mr. Griner was here.

Plus, the key word in there was, at that time we had a conservative director, a man by the name of Donald Klemmer, who was a conservative, a fine man; he died. He had a heart attack and he died. And in the interim period we had a new director come in. The new director didn't have exactly the same ideas that Mr. Klemmer had; this was a more liberal-type person. And the pendulum always swings for some reason in the penal system, it swings conservative, and then it goes back to liberal. And it swung all the way over to liberal when we got the new director in, and now it's slowly starting to swing back to where it belongs, to conservative with a little bit of liberalism put in there.

The programs, when they first started, they went wild with them; they threw them out. The sent these inmates out on the street and the police, Jerry Wilson, complained about it. And finally they cut down the programs. And right now, for an inmate to get the program, he is properly screened and thoroughly screened, and no one goes on the program unless everyone, including the director, is involved in it.

So, this is what we are talking about today.

Senator SCOTT. Mr. Chairman, I appreciate having the testimony of the gentlemen representing the employees. Thank you.

Mr. TRAVIS. I appreciate your listening to the input from the gentlemen, they were a little more elaborate, they gave you the idea what we are going to do. When Mr. Griner was president, it was one type situation. Then, when another president came into head our union, the administration has changed. I am getting together direct with Mayor Washington, who shows a dire concern. We are able to sit down now and negotiate these things that they could not get before.

As I said, at our next negotiations, I'm sure, we will have a new Department of Correction.

Thank you, sir.

Senator SCOTT. Thank you.

Senator BURDICK. Thank you, gentlemen, for your contribution.

Mr. TRAVIS. Thank you, gentlemen.

Senator BURDICK. Our next witness is Mr. Warren Cikins, Supervisor of Mount Vernon District, Fairfax County Board of Supervisors, Virginia.

STATEMENT OF WARREN CIKINS

Mr. CIKINS. Thank you, Mr. Chairman. My name is Warren Cikins, I have with me, Myra Barron, who is an attorney for Fairfax county and who is handling our suit against the District of Columbia, and she is available to answer legal questions.

Also, I would like to say I'm sorry that the testimony has the date July 10th on it. It was submitted to you then since that was the time I was originally scheduled to appear here.

Senator BURDICK. That's all right.

Mr. CIKINS. I am a member of the Fairfax County Board of Supervisors, representing Mount Vernon District. As a result of redistricting, the area of Fairfax County including the Lorton penal institutions will, as of January 1, 1976, become a part of Mount Ver-

non District. Because of that redistricting, Mr. Chairman, it is for all intents and purposes part of Mount Vernon District at this time.

As that district's elected representative, I am gravely concerned with the future location of these institutions, and I am pleased to have the opportunity of testifying before this subcommittee on S. 1243, which addresses that question.

Let me begin by expressing my appreciation to Senator Scott, on behalf of my constituents, for the interest and concern he has shown in this matter, which affects many of them so intimately. Let me also say, however, that I am grateful to the subcommittee chairman, Senator Burdick, for making it possible for me to appear.

When I first indicated a desire to testify, when these hearings began in the spring, I was informed that Senator Scott thought it inappropriate that I do so because this is an election year in Fairfax County, and if I testified, my opponent would have to do so also, something the Senate would not want to see since it would be politicizing this issue. This is a strange doctrine, I submit.

Mr. Chairman, I have a long history of employment on Capitol Hill myself, having worked for the late Senator Clair Engle of California; your current colleague, Senator Edmund Muskie of Maine, as well as for one of our truly great Congressmen, Brooks Hays of Arkansas, whose protege I like to think I am; and who does me the great honor of being here in this hearing room today.

I come to this hearing room today not as a candidate, but as an elected public official, expressing the serious concerns of my constituents. During all of my Hill experience I never saw a member of Congress being required to have his opponent for reelection be present to testify when he appeared as a witness before a committee in an election year.

The fact that my opponent is here today—and I have very great respect for him and know him to be a man of stature—is, I submit, a move in the direction of politicizing this matter, which I regret. As the elected supervisor from Mount Vernon I believe I can express the views of the people of Mount Vernon on this issue in an objective and impartial fashion. I am confident it was for that reason that the subcommittee chairman, Senator Burdick—and I am grateful to you—issued the invitation after I appealed the original negative decision. I now return to my statement.

My own view—one that I know is widely shared by my constituents—is that the continued presence of Lorton Reformatory is no longer tolerable to the citizens of the Commonwealth of Virginia, of Fairfax County, or of the Mount Vernon District. It must be removed, as expeditiously as possible.

Since my election to the Board of Supervisors in a special election in January, 1975, I have been working to find a solution to this problem. The day after taking office, I participated in a meeting with the Public Safety Committee of the District of Columbia Council on this matter. We have had numerous other meetings on this matter, and within 5 weeks of taking office, I submitted a resolution, which won unamimous approval from the Board of Supervisors in Fairfax County, directing Fairfax County to file suit to "seek abatement of the public nuisance created by the District of Columbia in its operation of the Lorton Reformatory and related facilities."

Mr. Chairman, I would like to submit for the record a copy of that resolution.

Senator BURDICK. Without objection, it will be received.

Mr. CIKINS. Thank you.

The suit seeks the reformatory's removal from its present location no later than December 31, 1980.

That suit was filed on May 20, 1975 in the U.S. District Court of the Eastern District of Virginia, Alexandria Division (*Board of Fairfax County, Va.* v. *United States of America, et al.*, civil action No. 392–75–A). I have already submitted copies of that suit for the record. On October 3, Mr. Chairman, a motion to dismiss this suit will be heard in the Federal district court..

To go on with comments on the bill, it is a strength of this bill, S. 1243, that it highlights the public's concern over the location of these D.C. penal institutions in a location outside the District of Columbia, amidst the residents of Fairfax County, Va.

It is also a strength of this bill that it provides for the removal of this reformatory from Fairfax County, rather than merely for its improvement in its present location. Our Fairfax County suit spells out in considerable detail why we consider this facility to be a public nuisance and why we so earnestly desire that it be removed from our midst.

Our most serious concerns are the escapes, disturbances, and riots at Lorton, which have occurred frequently and continuously over the years. Last Christmas Day, 1974, for example, there was a 24-hour prison riot during which three Lorton complex inmates escaped, one was killed, several individuals were held hostage, and a Fairfax County resident was kidnapped. There have been numerous other instances when innocent people have been taken hostage, had their cars stolen, or themselves been kidnapped by escaped inmates. The District of Columbia has been unable or unwilling to take the steps necessary to prevent these unhappy and frightening occurrences. And, parenthetically, Mr. Chairman, there is testimony before our Board of Supervisors by Commissioner Elwood Jackson, which has already been made reference to by Mrs. Packard of the Board of Supervisors, appearing here, that tends to corroborate that point.

Fairfax County considers this situation to "constitute a continuing present and immediate danger to the health, safety and welfare of such county inhabitants."

As a result of these occurrences, as our suit alleges, persons living in the area have "suffered extreme fright and severe mental anguish." They have had to take unreasonable additional security measures to attempt to protect their homes and families. They have had to keep their children at the Lorton Elementary School indoors during the many actual or suspected prisoner escapes. The value of their properties, and the economic potential and growth of areas surrounding the Lorton complex have been adversely affected.

This, we submit, constitutes a "public nuisance", and further, it violates basic constitutional rights of our citizens. It curtails their freedom to associate, it restricts their freedom to travel, and it abridges their right to remain secure in and enjoy the possession and benefits of their homes; and it invades their right to privacy and to be free in their home from unreasonable searches. These rights

are guaranteed to all of us by the Constitution; but they are at the present time words and not reality for those persons who have the misfortune to live in the vicinity of the Lorton institutions.

Moreover, we maintain that the Lorton complex has been operated in a manner which causes pollution of the waters, streams and air of Fairfax County, matters which we have brought to the attention of District of Columbia officials and which have not been corrected. Their water treatment and wastewater treatment plants are inadequate, there is coal dust runoff from their coal-fired boilers and there is gas pollution, all of which lower the environmental quality of our surroundings. We are no longer willing to tolerate this pollution.

Lorton Reformatory has threatened residents of Fairfax County, deprived them of their constitutional rights, and lessened the quality of their lives long enough. Our citizens have suffered too much to be satisfied now with improvements at Lorton; they have come to desire nothing short of its complete removal. On that point, Mr. Chairman, I am in full accord with Senator Scott's bill.

Now, to look at some of the specific provisions of that bill. I would respectfully submit that there are a number of some such considerations which this bill, in its present form, does not adequately address.

First, a realistic deadline should be specified for cessation of operations at Lorton. I understand, Mr. Chairman, it has been brought to your attention already in prior testimony by the chairman of the board of supervisors of Fairfax County, Jean Packard, that this bill does not specify deadlines by which time operation of Lorton shall cease. I would suggest that an appropriate date for such a deadline would be December 31, 1980, the date that Fairfax County has urged as a deadline in its court suit referred to earlier. That date was selected after considered judgment of the needs and realities of this situation.

I would certainly not be adverse to having these institutions closed down by 1978. Needless to say, from the point of view of Fairfax County residents, the sooner the Lorton institutions are closed, the better we would like it.

But it would, I suspect, be counterproductive to insist on completion of this process in too short a time. There is little likelihood that the District of Columbia can make proper, carefully planned provision for the prisoners now housed in the Lorton facility by 1978, and therefore such a deadline would be unrealistic. The opposition that an unrealistic deadline would engender would be detrimental to our objective, which is to secure approval of the Congress for the removal of this reformatory from its present location. For this reason, I urge you to adopt a deadline of December 31, 1980, and to specify that by that date, there shall be a complete cessation of operations at the present Lorton location of these institutions.

The second point that I am concerned about is that the selection of a new site for this reformatory should not be by the Attorney General. In the suit that the county has filed it points out clearly that we believe that the Attorney General has the power to move the prisoners out of Lorton; he can do that and there is no issue in that point.

The current bill would, however, provide in its section (a) that in the event there is not available in the District of Columbia on January 1, 1978, a suitable penal or correctional institution, or other suitable institution or facility to which inmates confined in the Lorton penal institutions might be transferred or assigned, "the Attorney General may select a site within the District of Columbia and cause to be erected thereon suitable facilities to provide for such imprisonment, subsistence, care, and employment" or he may use or provide other suitable penal or correctional facilities for this purpose.

I must, Mr. Chairman, take exception to this provision. It is not appropriate that the selection of this site be assigned to the Attorney General. This is a matter which concerns persons convicted of crimes in the District of Columbia, and it is appropriate that District of Columbia officials resolve the issue of how to house them.

I believe that as it is drafted this proposal is designed to weaken the District of Columbia's role in matters over which it should have jurisdiction, and I, as an elected representative of another jurisdiction, do not feel that it is appropriate to step into that type of decision. I know this provision of the bill has drawn fire from District officials, who see it as depriving them of their legitimate and proper role.

Our concern as Fairfax county officials and residents is getting the Lorton institutions out of Fairfax County and out of Mount Vernon district. I know that this type of provision will have an adverse effect on the chances of this legislation's passage by Congress. Congress has moved in its wisdom to give home rule to the District of Columbia, and a provision such as this one is a step backward from that policy. Therefore I believe that such a provision endangers passage of this bill.

I am certain that the Congress will not negate its earlier steps toward home rule, and, therefore, the anti-home rule implication in this legislation, as presently drafted, should be removed. Selection of a future site for the District's correctional institutions should be the responsibility of the duly elected officials of that jurisdiction, and this legislation should acknowledge that fact. The Federal Bureau of Prisons' views support this position.

To move to the third point: The land should be disposed in the public interest, not by sale.

This bill would provide—section (b)—for the sale and disposition of all lands, buildings, and facilities owned by the U.S. Government and occupied by the Lorton penal institution at "not less than the appraised fair market value thereof." I must take most serious exception to that provision.

We are talking about the disposition of over 3,000 acres of choice suburban land, within easy range of our Nation's Capital. It is in a beautiful location, near the Potomac River and near some of our finest park areas and wildlife preserves. At this time, outside of the areas occupied by the penal institutions, it is largely undeveloped land.

The decision on the disposal of this land offers a rare opportunity in our crowded, fast-growing metropolitan area for an imaginative solution in the public interest of all our citizens. Its future use is

of crucial importance in the development of Fairfax County. Its development must be coordinated with the forward-looking land-use planning program which Fairfax County has undertaken to improve the quality of life for its citizens, to protect their environment and to provide long-range benefits in the general interests of all.

There are some who would like to see these acres dedicated to parkland. This certainly should receive primary consideration and could easily be arranged under the terms of the Federal Surplus Property Act, which provides for the disposal of Federal surplus lands to States or their political subdivisions for park use. My fellow board member Jack Herrity has suggested that the Lorton site be used as a national cemetery. Since I prepared this testimony there has been some question about this, but it seems a possible appropriate use in view of the fact that nearby Arlington National Cemetery will soon have no further available space for burial of those who have served our country. There are many public uses that should be considered for this land.

Unfortunately, as it is now drafted, this bill would put this irreplaceable tract of land up for sale to those whose only purpose is their own personal profit and gain. This bill might well provide a bonanza to land speculators. Their concern will be their own private gain, not the public interest. This bill, moreover, could be interpreted as a repudiation of Fairfax County's effort to plan future growth and development in a rational and careful way.

The offering of this site for sale at fair market value would be contrary not only to the best interests of the citizens of Fairfax County and the Commonwealth of Virginia, but also to the millions of visitors and tourists who visit our area each year. There are many different and desirable public uses to which this land could be put. I urge you, on behalf of the citizens of Fairfax County, not to allow this irreplaceable site to be carved up and lost forever, but to provide in this bill for its protection as a public legacy.

The fourth point I wish to make is that we should in this legislation encourage development by District of Columbia officials of modern penal institutions.

S. 1243 would provide, in section (c), that unexpended money appropriated by Congress for use in connection with renovation or improvements at the District of Columbia's Lorton facility shall be available solely for establishment of a penal institution within the District of Columbia.

I am in full accord with what I take to be the major purpose of this provision, which is to insure that no further funds are expended on the penal institutions currently located at Lorton. District officials have recently proposed a $55 million Lorton improvement plan. It is too late for the so-called "improvements" at Lorton which this plan contemplates, and it would be a misuse of the taxpayers' dollars. The Lorton Reformatory is ill-sited and outmoded, and it is misguided to think that the problems connected with it could be solved now by pouring in millions of additional dollars.

The Congress should certainly act to prohibit the expenditure of further funds on any project which is designed to perpetuate the existence of the Lorton Reformatory as an institution in the Commonwealth of Virginia, and which is inconsistent with its removal.

It would, however, be useful and desirable to appropriate this money for use in the planning and establishment of a modern penal system in and for the District of Columbia. This legislation should be drafted in a manner to encourage the District of Columbia Government to consider the most advanced and forward-looking ideas and methods and facilities for correction.

As I read this bill, however, I feel that it assumes that the proper future course is to build a new Lorton-like facility—just as long as it is not in Virginia. Modern penology has advanced well beyond the stage when the only or preferred correctional solution is to build huge Lorton-like complexes. Let this bill step forward, not backward, in terms of modern correctional thinking.

And I would underscore once more that this is a matter which affects the District of Columbia, and it should be in the hands of the duly elected officials of that jurisdiction to decide what the future shape of their correctional system should be.

As an official of a neighboring jurisdiction to the District I recognize this is a delicate matter. We want Lorton out, but we want it out in a way that will make it possible for the District, as it is appropriate for them, to manage their problems. We want it out of Virginia, and we want to let the District decide how to cope with the District.

I hope the District will be successful in replacing Lorton with programs and facilities which will do the job that Lorton has failed to do. I am not prepared to tell them what their correctional policy should be in the future—and I don't believe this legislation should attempt to dictate its form, either.

It is not necessary that this legislation specify the future correctional system for the District. And it is surely counter-productive, in terms of our goal, to propose something which District officials cannot possibly support. Our goal is simply to close down the present D.C. institutions at Lorton. Let this bill limit itself to this controlling and legitimate interest, and not undermine its chances for successful passage in the Congress by provoking unnecessary opposition.

In conclusion, may I underline that we in Fairfax County will support any measure which will achieve our objective of having these penal institutions of the District of Columbia removed from our midst as quickly as possible. I believe this bill in its present form, has serious shortcomings in this regard, as I have indicated in my remarks. Let us work together to produce legislation which will move us realistically toward our common goal of getting Lorton Reformatory out of Fairfax County, and out of Virginia.

Thank you, Mr. Chairman.

Senator BURDICK. Thank you very much. I have just one question, would you amend this legislation to prevent sale of the land to private developers?

Mr. CIKINS. Yes, sir.

Senator BURDICK. Is there any other way to defray the costs of transferring Lorton prisoners to the District?

Mr. CIKINS. Of course, there is $55 million that is being planned to be spent on it where it is now.

Senator BURDICK. I know, but that won't build a new institution.

Mr. CIKINS. Yes. On the financial side, I think that is a matter

that the Congress and the District have to resolve; but $55 million would be a beginning.

Senator BURDICK. Well, I want to know, what's your view?

Mr. CIKINS. On where the money should come from?

Senator BURDICK. How to defray the costs of building in the District.

Mr. CIKINS. I believe that matter is a question of Federal and District responsibility. Of course, I want to reemphasize, as my testimony indicates, that we are not in favor of building another Lorton.

Senator BURDICK. How about the value of the site they are leaving?

Mr. CIKINS. Pardon?

Senator BURDICK. What about the value of the site they are leaving?

Mr. CIKINS. My recommendation for the use of that site is that it remain public property, to be used in the public interest.

Senator BURDICK. I see.

Mr. CIKINS. It is a value judgment that that is land that should be reserved for the public and not for private interests.

Senator BURDICK. Senator Scott?

Senator SCOTT. Mr. Cikins, are you aware of the history of that property, that the land was paid for out of District of Columbia appropriations?

Mr. CIKINS. Yes sir.

Senator SCOTT. Thank you, sir; I appreciate your comments and your contribution.

Mr. CIKINS. Thank you very much.

Senator BURDICK. Thank you.

[The resolutions of the Board of Supervisors of Fairfax County are as follows:]

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Room of the Massey Building at Fairfax, Virginia on Monday, January 6, 1975, at which meeting a quorum was present and voting, the following resolution was adopted:

1. That the Board of Supervisors request the U.S. Department of Justice to conduct a comprehensive investigation as to the causes of the Christmas Day outbreak as well as reasons why the escape was successful. This should also address general management of the facility, whether or not the complex was understaffed at the time of the outbreak, and whether or not the grievances presented to prison officials had been previously brought to their attention;

2. a. That it is the policy of Fairfax County that the only tolerable ultimate solution is a phasing out of the correctional facilities at the Lorton Reservation by 1980 and that the Board of Supervisors' Committee on Lorton is directed to meet and confer with the Public Safety Committee of the D.C. City Council and the Mayor of the District of Columbia within two (2) weeks to discuss this long term goal;

b. That the motion to institute suit against the District of Columbia shall be automatically placed before this Board for action at the end of fory-five (45) days if the District of Columbia has not accepted the Memorandum of Understanding as negotiated and has not by appropriate resolution endorsed the concept of the ultimate phase-out by 1980 of penal correctional facilities at Lorton;

c. That the Memorandum of Understanding shall include a provision related to changes in procedures and increases in personnel which will result in improved management of the Lorton Penitentiary;

3. That the D.C. City Council immediately commission an independent consultant's study to examine:

(*a*) Whether or not land is available in the District of Columbia for either a complex similar to Lorton or for several community-based facilities;
(*b*) Type of community-based facilities needed to replace Lorton;
(*c*) Timing for the phase-out of the Lorton complex;
(*d*) The economic feasibility of a phase-out.
4. That the D.C. City Council immediately commission an independent management study.

Senator BURDICK. Our next witness is Mr. Howard E. Futch, Alexandria, Va.

STATEMENT OF HOWARD E. FUTCH

Mr. FUTCH. Mr. Chairman, Senator Scott, my name is Howard Futch.

Senator BURDICK. Welcome to the committee.

Mr. FUTCH. I sincerely thank you for this opportunity to appear today before your committee as a private citizen. A lifelong resident of Northern Virginia and the independent candidate for the Fairfax County Board of Supervisors from the magisterial district in which the Lorton Penal Institution is located. I support Senate bill 1243.

Now, you have heard testimony from elected officials on both sides of the Potomac, and the Federal Bureau of Prisons. You have received the GAO report and you have also copies of the current civil action of the Fairfax County Board of Supervisors v. the U.S. District of Columbia. I have read them all as I am sure each of you has. Without repeating the mass of statistics and myriad of data associated with all of this, several rather clear points emerge in my mind. They are:

Lorton Prison is a badly mismanaged institution;

Lorton Prison's location in Fairfax County is totally illogical;

Lorton Prison's high escape rate is a cause of great concern to all Mount Vernon and Fairfax residents, and,

Lorton Prison is a serious drain on the taxpayers of Fairfax County.

What does all this mean? In my opinion it means simply that when a good neighbor, Fairfax County, has continuously been used, abused and mistreated and the corrective action required cannot be obtained, then drastic steps need to be taken. Regardless of the rhetoric, the only concrete action to date is the bill before you, and I strongly urge your support of it.

This is not just a political issue, but is indeed one of the traumatic impacts of this facility on the welfare and well-being of Fairfax County. This has been confirmed by my discussion with numerous individuals and groups throughout the Mount Vernon area and the county.

The bill is logical and provides sufficient latitude to assure, through the sale of the property by General Services Administration, that the local, State and other nonprofit institutions be given first claim. I would suggest that an environmental impact statement or assessment accompany the sale, and this be accomplished, perhaps, in conjunction with the Virginia Governor's Commission on the acquisition of Lorton Reformatory under the chairmanship of State senator Omar Hirst.

A recent consideration, as alluded to earlier, for the use of this property for a national cemetery, I still think should be considered as another alternative. The key, in my opinion, is that the property should serve the needs of the people in Fairfax County, in which it is located, and the State of Virginia. Its use should be a subject of pride, rather than contempt.

In closing I would like to point out that Lorton is not a new issue with me as it is with many others. Being a lifelong resident of northern Virginia, and with family ties and friends that live in close proximity to the penitentiary, I have watched for many years the evolvement of its problems and their reflection on the people of the surrounding county. It has only become worse, and if allowed to continue under any circumstances, we will face greater problems in the future.

Should you not approve this bill, it will again, in my opinion, be a vote of confidence for the D.C. Government to continue to operate the Lorton Penitentiary in Fairfax County. If that be the case, I would venture to say that in another couple of years we will all be back at a hearing such as this over another bill such as this.

The bill provides the proper impetus to place the relocation of the penitentiary as a high priority that must be given serious attention by the D.C. Government. Inherent in this would be a new correctional facility that would perhaps best serve the prisoner as well.

I thank you very much for the opportunity to appear.

Senator BURDICK. Thank you for your contribution this morning.

In your statement you indicate that local and State government, and nonprofit use should be given the first claim to the Lorton property when vacated. Do you think the bill should include an amendment to reflect that?

Mr. FUTCH. I believe that under normal GSA provisions in the sale, that is a normal consideration. When the GSA handles the sale of property, I think they have first claim.

Senator BURDICK. Should that be written into the bill?

Mr. FUTCH. Sir, that's up to you.

Senator BURDICK. Well, do you recommend it?

Mr. FUTCH. I see nothing wrong with it, I think it's a reiteration; but that's fine.

Senator BURDICK. Senator Scott?

Senator SCOTT. Mr. Futch, we appreciate having you with us as a witness before the committee. I notice you do indicate approval of the sale of this property, apparently recognizing that the District of Columbia appropriation paid for the land.

Mr. FUTCH. Yes, sir.

Senator SCOTT. Originally; but, we have had some from Fairfax County that have indicated that the property should go to Fairfax County, that the county needs to be able to manage this large area, 3,500 acres, as I recall. Could the development of this land, if it's sold at fair market value, be managed by the county under its ordinary planning and zoning laws; would you say that is an appropriate function of the county?

Mr. FUTCH. I would think so; yes. Whoever the owner happened to be, he would certainly have to go through any kind of zoning action.

Senator SCOTT. He could not develop the land without approval of Fairfax County.

Mr. FUTCH. That's correct.

Senator SCOTT. Thank you, Mr. Chairman.

Mr. FUTCH. Are there any other questions? Thank you very much.

Senator BURDICK. Our next witness will be Mrs. Yetta M. Galiber, executive director, Information Center for Handicapped Children, Inc., Washington, D.C. Welcome to the committee.

STATEMENT OF YETTA W. GALIBER

Mrs. GALIBER. Thank you, sir.

Mr. Chairman and members of the subcommittee, my name is Yetta Galiber. I am presently the executive director of the Information Center for Handicapped Children, an organization established in 1969 under Federal grant, now funded directly by the District of Columbia Department of Human Resources. The center functions as an information and referral link between physically and mentally impaired persons—particularly children—and the services of agencies and organizations created to meet the needs of the handicapped.

In addition, I currently serve as chairperson of the board of directors for the National Campaign Against Prisons. The campaign is a national effort to advocate the abolition of prisons as vehicles for dealing with criminal law violators, and serves as a catalytic agent to that end by serving as an information clearinghouse and a research, resource, and technical assistance center for those individuals and organizations, both public and private, sharing and pursuing the goals of the campaign.

It occurs to me that the connection which exists between these two activities may not be immediately apparent. And, since that connection is central to my presence before you today, I believe I should take a moment to explain. I ask the indulgence of the committee if, for a moment, I stray from the specific focus of this hearing in order to discuss issues which lie at the heart of your considerations.

In this nation, we have found there are two primary educational tracks: In the first, the child is sent off to school, progresses through the elementary and secondary grades, and then, ideally, through college and beyond. The key child-perceived elements in this tract are primary motivation, official reinforcement, supportive peer pressures, and the demonstrated successes of peer predecessors.

In the second track, however, the sequence and pressures are tragically altered. The child goes to school, encounters increasingly less subtle obstacles, balks at them, and is then routed through a series of official and semiofficial agencies, leading finally to institutionalization, or incarceration in a penal facility—the "University" of the second track. The key elements here are a weak primary motivation, and often rule-of-thumb decision as to the child's potential, and a negatively reinforcing peer-pressure.

Thus, it occurs that, within the second track, we now have two extremes: The children, whom we have called "emotionally disturbed" and the adults whom we have called "criminals". The purpose of the Information Center has been to explore possible methods of diverting the second track into more positive experiences of the

first. The Center has accomplished that reconnection in the most obvious way, by instituting a program which directs the awesome quantities of practical knowledge, expertise and human warmth, present in inmates of correctional institutions, to the therapeutic support of handicapped children. We call this effort "The Lorton Project".

To date, the program has assisted more than 70 furloughed Lorton inmates to devote their time and energies to the task of aiding and guiding children with varying kinds and degrees of physical, emotional, and social handicapping conditions. Additionally, these men have made substantial strides toward solidifying the gains in self-confidence and self-image which have resulted from their efforts. The great majority have completed or are presently completing work on college degrees in special education.

Thus, based on these experiences, it seems clear to me that there is a substantial connection between these two apparently different categories of individuals; that there exists a very real bridge between the socially handicapped child and the "criminal"; and that that bridge is nothing less than the attitudes and practices of our society and the peculiar inclination of our society to believe that a mere label—such as "the emotionally disturbed child", or "the convicted felon"—adequately describes an organism as complex as a human being.

What is so terrible about the labeling process is that it inclines one to react to the label, rather than to the individual which the label only attempts to describe. Such labels imply that there is some absolute quality of deviance present in the individual—that there is some clear line of demarcation between the "normal" and "subnormal" populations of this nation, when, in fact, all of us shuttle back and forth across that line daily. And, when we are on this side of that line we look back at those who are psychologically or morally as mobile as we and we immediately make preparations to lock them away in various types of institutions.

And none—none of these institutions work. This is a more easily accepted contention in the case of mental institutions than in that of penal systems. I believe that maybe simply because we are less frightened of the "crazy" than of the "criminal".

But let me state emphatically that imprisonment alone is clearly not the way to reduce crime. I noticed recently that former D.C. Chief of Police Wilson objected to the use of the term "warehousing" as a description of today's prisons. He suggested that "immobilization" might be a more appropriate and certainly less negative term, in that criminal restriction is the "legitimate and appropriate function of prisons". What Mr. Wilson seems to have forgotten is that our correctional institutions receive their operational authority from the power which society vests in its Government, and that the only legitimate and appropriate function of Government is the protection of all of its citizens. Mr. Wilson, like so many others, in an effort to protect the constitutional rights of life and the pursuit of happiness is prepared to sacrifice a certain degree of the right of liberty.

Even if it worked, that trade-off would not be acceptable; and it is by no means clear that it does work. There is a substantial body

of opinion which holds that incarceration has less effect upon the net impact of crime than it does upon the specific identities of criminal individuals; in short, the system changes the players, not the game.

Fortunately, however, I don't have to formulate an elaborate defense of my view. Practically no one knowledgeable of our system of penal practices seriously believes that the system works as intended. I could quote any of the millions of words written over the last century which have condemned that system—and there is a preponderance of antiprison sentiment. I could cite any of the various themes, that the prisons are not responsive to outside efforts at reform; that they emphasize control rather than rehabilitation; that they are primarily concerned with cosmetic changes rather than changes in their basic nature; or that they regard the inmate not as a human being, but as a professable item. But you have heard and will hear all of these points and more from penological experts who will propound them far more elegantly and knowledgeably than I.

My purpose today is to direct your attention to a fact which frequently seems to escape serious public attention and concern, and that is that prisons—the buildings themselves are useless. They are—especially in this age of rising crime—frequently obsolete before the architects have finished at the drawing boards. There is an intesting statistic associated with this obsolescence, to replace or modernize only those penal institutions built prior to 1925—and there are many such—would require an expenditure of nearly $2 billion—all that for facilities intended to provide the environment for a system of extremely doubtful value. From an economic standpoint alone it would seem that the prisons are an extremely effective system for the punishment of society, rather than of the "criminal".

Let me restate that last point in a more immediate and local context. In the matter currently being considered by this body, the creation of a maximum-security penal institution within the District of Columbia—and let me assure you that local sentiment will not allow the creation of anything other than maximum security, if that—of adequate size and resources will involve an initial—only initial—cost of approximately $150 million. That is enough to provide the Metropolitan Area with eight new high schools, or 25 elementary schools, or to pay the salaries of more than 1,500 additional teachers for the next 10 years, or to create new public health clinics, or hundreds of other necessary facilities.

The question for consideration, then, would seem to be: Where are our priorities? Further, the creation of new penal facilities will virtually mandate their continued usage, it will force our society to continue to think in terms of prison—this at a time when scores of more effective and more humane systems are being successfully implemented all over the nation.

However, it is my belief that the combined force of public opinion and fear, and the issue of the inordinate political, economic and social costs will very likely prevent the development of a new facility within the District. That then leaves two alternatives: (1) To continue utilization of the Lorton facility; and (2) to dismantle the

Lorton Sytem and to transfer its inmates to other institutions across the Nation.

As much as I abhor the waste and inhumanity which characterizes our present penal system, I am forced to argue for the continued usage of Lorton, rather than to see its already residents torn from the environment of friends and family further alienated, further frustrated, further along the road toward implacable estrangement from society; or to see the innocent—their spouses and children—further punished.

I am aware that in the current climate of fear, it seems that society is determined to continue in its commitment to prisons and to the prison system. If that is how it must be for now, then let us at least not compound that tragedy. If we must, then let us continue the Lorton facility. But let us at the same time declare a nationwide moratorium on the construction of new penal facilities. A substantial effort to halt any new construction for 10 years is required, allowing time for the testing, and, where appropriate, implementation of existing alternative programs and the development of models for new programs.

This parallels positions already being taken by many groups across the country, as well as by more traditional organizations such as the National Advisory Commission on Criminal Justice Standards Further, there is a need for an information gathering, public education, and resource center to advocate a moratorium on construction on a national level, and to develop the capability of coordinating and assisting the work of moratorium groups and committees across the country. Such an effort has been proposed by the National Council on Crime and Delinquency. These steps would represent a far more valuable utilization of public funds than would the creation of merely another prison.

I have faith in the basic rationality and good intention of our legislative system. I believe that an open examination of the issues which I have only touched upon today will compel you to conclude, as have I, that the interests of the Nation and the District of Columbia itself will not be served by the creation of yet another human warehouse.

Thank you.

Senator BURDICK. Thank you very much. Senator Scott?

Senator SCOTT. No questions.

Senator BURDICK. Thank you very much.

Our next witness is Mr. Gerald W. Hopkins, Fairfax County Citizens' Committee Concerned about Lorton, Fairfax, Va. Mr. Hopkins? Welcome to the Committee, Mr. Hopkins.

STATEMENT OF GERALD W. HOPKINS

Mr. HOPKINS. Thank you.

Senator Burdick and Senator Scott, I am Gerald W. Hopkins, a resident of the 8th Congressional District of Virginia, residing at 10700 Buckingham Rd., Fairfax.

I speak on behalf of the Fairfax County Committee of Citizens Concerned About Lorton. This committee is composed of individuals

who have in the past led in research and action for such groups as the National Conference of Christians and Jews, the Federation of Citizens' Associations, the League of Women Voters, the Friends Meeting House, Community Ministry and other groups that have a long-term interest in criminal justice in Fairfax County.

As individuals informed and concerned in this field, we have formed our committee in order that through an organized effort a different voice might be heard on the Lorton Prison issue. Also, it is our hope that in the future we may assist in providing information about Lorton to the citizens of the county and in recruiting concerned citizens to provide volunteer services to the Lorton complex.

Senator SCOTT. Mr. Chairman, might I interrupt just a moment?

Senator BURDICK. Yes.

Senator SCOTT. Mr. Hopkins, when was this committee formed?

Mr. HOPKINS. This committee was formed in June of this past year.

Senator HOPKINS. And how many meetings have you had?

Mr. HOPKINS. We have had one meeting, and we were holding another one September 5.

Senator SCOTT. Where do you have these meetings?

Mr. HOPKINS. In Fairfax City.

Senator SCOTT. Where in Fairfax City, in a public hall?

Mr. HOPKINS. At the home of Donald Sullivan, who is a member of the staff of the National Conference of Christians and Jews.

Senator SCOTT. And how many individuals were present?

Mr. HOPKINS. There were 17 individuals present.

Senator SCOTT. Thank you, Mr. Chairman.

Mr. HOPKINS. These were individuals invited from a number of groups and many diverse interests in the county. These were the ones who responded and decided to take the action of forming this group.

The Fairfax County Committee of Citizens Concerned About Lorton is opposed to the enactment of S. 1243 for three basic reasons. The first is on fiscal grounds; the second, philosophical; and the third, historical.

We are opposed to S. 1243 on the grounds that it is fiscally inappropriate, uneconomical, and a questionable means of meeting the problem of escapes which precipitated this bill, former bills, and suits by the State of Virginia and Fairfax County. To build a new facility or facilities in the District of Columbia would place upon the taxpayers of this Nation an additional and unnecessary burden.

Estimates made by the D.C. Department of Correction indicate that replication of Lorton general facilities in the District might require as much as $112 million more than realized from the sale of the Lorton complex and the unexpended funds designated for the Lorton improvement plan. It would seem to make far more fiscal sense to expend the $55 million for the Lorton improvement plan and save the taxpayers $112 million. Also, a close study of the Lorton improvement plans shows that it goes a long way in solving the problem which has been of greatest concern to the author of this bill, the State of Virginia, and Fairfax County—escapes.

Since the Attorney General is given two opinions in S. 1243—to replicate the Lorton facilities in the District, or to incarcerate these

prisoners in other facilities available to him, it might be predicted that the high cost of replacing Lorton would tip the scales for the Attorney General to choose the second alternative. However, the second alternative is also fiscally costly. There may not be the necessity to immediately raise $112 million in capital funds to build a new prison, but the prisoners from the District placed in the Federal system would greatly complicate the overcrowded conditions of the Federal system. Eventually, a new Federal prison would have to be built at a great expense and probably in a neighborhood it which it would be unwanted, also.

In a time of economic difficulty for our Country, do we want to add one more project to meet a problem which can be met by money already appropriated?

Our second reason for opposing S. 1243 comes from a philosophical base. Many members of our committee have done extensive studies on corrections. We have come to the conclusion that the best way of dealing with many offenders who enter the penal system is not prison, but rather community-based halfway houses and other such treatment facilities. However, our research has shown us that for a significant portion of offenders, a prison is a necessary component in the range of correctional programs. As such, it serves primarily as a source of protection to the community. In addition, good prisons can train people for jobs and assist some with adjustment problems so that there may be a better opportunity to the former offender to make it without turning to crime again. One constant which is important for the effectiveness of these correctional facilities, whether prison or otherwise, is the proximity to the community from which the offender comes. Reintegration of the offender into society in a positive manner is greatly enhanced through community-based facilities. It is from this philosophical position that we state our next argument.

If this bill is passed, most likely the Attorney General will not have facilities available for incarceration of Lorton prisoners within the District by 1978. And most likely because of the capital expense involved in building these facilities, the Attorney General will use the Federal Bureau of Prisons as the resource for imprisoning the Lorton inmates. If this occurs, as it seems to be the most probable result of the passage of this bill, the Lorton prisoners will be dispersed throughout the Federal system all over the country.

This flies directly in the face of good correctional philosophy which stresses the proximity of the facility to the community. While it might be better to have the Lorton complex in the District based upon this philosophy, it will be much better for the community to have prisoners at Lorton than spread throughout the Nation. The closeness of Lorton to D.C. is an important element in assisting in the positive reintegration of offenders into the community. It is close enough for families to visit, for job training programs to be related to the D.C. job training and market demands, for work-release programs to be augmented, and for prerelease facilities to be utilized for maximum effectiveness in reentry. The proximity of Lorton to the community from which the offenders come, gives Lorton a unique

quality for assisting in reintegration which would be lost if the inmates were dispersed throughout the country. Lorton is one of the few penal institutions in the country with this much-needed community relatedness. To close it and to place prisoners in the Federal system would be a step backwards.

Our final ground for opposition to S. 1243 is based upon history. The Lorton site has been used for a prison complex for over 60 years. It was one of the early settlers in that area when the population was sparse. The presence of Lorton has been no secret. Land developers and new homebuyers have been well aware of its presence. It appears that land values in the Lorton area have increased at a comparable rate to other Fairfax County land in similar outlying areas. The Lorton complex has been looked upon as an encroacher, but history would speak otherwise.

History also shows that the escape rate from Lorton reached an alarming level in 1973 and 1974. Most of the effort to get the Lorton penal complex removed from Fairfax occurred as a direct result of these escapes. I might add that the alarm was proper. However, history shows us that the remedy of additional guards and additional security measures have been applied with great success. Since last December there has been only one escape from the main facility at Lorton. Removal of the prison from Lorton is not needed to correct the problem which was caused by the escapes.

History shows us a kind of elitism operating in relationship to the Lorton complex. The presence of D.C. offenders at Lorton is touted as being an imminent danger to the residents of Fairfax County. But, would not a close look at other noncounty government facilities indicate that there is an equal or greater danger attendant with such installations at Fort Belvoir, or even the CIA, which we had reported crimes being committed in the city of Fairfax? For there is indeed crime committed and documented as committed by employees of these Government installations. But would we insist on their removal from our county because of that argument?

I would digress from my testimony here and refer to an article in the Post yesterday, or Sunday, which indicated that residents in Fairfax County, or other suburban counties, have a far greater fear of vandalism and crimes against them; and the records in Fairfax County are showing that about 70 percent of the crime created in Fairfax County is by juveniles. I think perhaps there is danger from the Lorton complex, but there may be even more danger from the general community, than the Lorton complex.

This seems like a rather ridiculous statement, doesn't it? Is this type of argument when applied to Lorton prison rather a form of elitism—for basically we know that most of the inmates are black, poor, and residents of the District? They are not like us folks in Fairfax.

History also shows us that the Lorton issue has become highly politicized. It is a safe issue for conservatives, middle-of-the-roaders, and liberals to be against. A verification of this fact is based upon the increased intensity with which this issue is dealt as November brings elections in Virginia.

These are our three arguments against the Senate bill 1243. It is fiscally irresponsible. It is philosophically a step backwards in the treatment of offenders. It would legislate subtly an elitism. For these reasons I urge your subcommittee to reject this bill.

In closing, our committee would like to move from the negative to the positive side. We make six suggestions for your subcommittee to consider and to encourage the responsible governments to undertake. They are:

One: To continue the Lorton Improvement Project with all possible haste.

Two: To continue to reduce the population of the Lorton complex by developing various community-based alternatives to incarceration within the District for those inmates who will not be a threat to the society through participation in such programs.

Three: To request the governments of the District of Columbia, Virginia, and Maryland to explore the possibility of making Lorton a prison which serves the whole Washington Metropolitan area so that offenders in the Virginia and Maryland suburbs may experience the advantages of having their offenders in a prison close to their home communities.

Presently convicted offenders are sent to Richmond, in Virginia, and Baltimore in Maryland. The Lorton complex provides a much closer opportunity for reintegration of offenders into the community.

Four: To request the D.C. Department of Corrections to explore the possibility of creating a Board of Directors for the Lorton complex composed of citizens from both the District and Fairfax County who would oversee the operations of the Lorton Prison. This would be similar to a program that is being undertaken by the Charlottesville Offender Aid and Restoration, Inc.; this appears to be working with a great deal of success for that local jail.

Five: To encourage the D.C. Department of Corrections to work with Fairfax County groups such as ours to develop volunteer efforts to assist in programs for Lorton inmates.

Six: To encourage Attorney General Levi to reverse former Attorney General Saxbe's restrictions on furlough programs.

On behalf of the Fairfax County Committee of Citizens Concerned About Lorton, I thank you for the opportunity to present our views. We hopefully anticipate that these views will be convincing in your decision on S. 1243.

Senator BURDICK. Thank you very much for your contribution. Senator Scott?

Senator SCOTT. Thank you for being with us, Mr. Hopkins. I have no questions.

Senator BURDICK. Our next witness is Rev. Griffin S. Smith, president, Efforts from Ex-Convicts, Inc., Washington, D.C.

STATEMENT OF GRIFFIN S. SMITH

Mr. SMITH. Chairman Burdick and honorable members of this subcommittee, I wish, first, to thank you for inviting me here today in order that I have the opportunity to speak about a matter of great

concern to all of us. That matter—the proposed transfer of inmates at the Lorton Reformatory to another facility either in the District of Columbia or elsewhere—raises questions concerning both the welfare of inmates, convicted for committing crimes in the District of Columbia, and the welfare of those who reside in the District of Columbia metropolitan area. I believe I am uniquely situated to speak as a representative of both these groups of people whose interests you are here considering.

In 1962, at the age of 50, I was ordained a minister in the Baptist Church. Prior to that I spent 6 years in prison after having been convicted of armed robbery. I was released from prison in 1959, and then began the studies leading to my ordination. Since that time I have been the founder and am presently the pastor of the Foundation Baptist Church here in the District of Columbia. In 1971 I received a full pardon for my past criminal activity from then-Governor Thomas Cahill of New Jersey.

Particularly pertinent on this occasion, I am the president of Efforts from Ex-Convicts, Inc.—often referred to as EFEC—with which I have been associated since its creation in 1966. EFEC, as you may know, is an organization founded by former criminal offenders, which operates a halfway house in the District of Columbia and provides a wide range of services to assist ex-offenders in finding employment and remaining outside the confines of the criminal justice system.

As Pastor of the Foundation Baptist Chruch, I spend my professional life with God-fearing families in the District of Columbia who, as all studies of the subject demonstrate beyond doubt, have the most to fear and in fact suffer the most serious harm at the hands of criminal violators in this city. I was once one of those violators. My work with EFEC involves me directly and intimately, with former inmates of Lorton, their immediate families and friends. The proposed transfer of Lorton's present population to a facility in the District of Columbia, or possibly elsewhere, raises certain serious issues to which I will briefly address the remainder of my remarks.

Lawyers and philosophers have long disputed theories which justify taking a segment of a community's population found guilty of behavior violating the legal code and isolating them from the rest of the population in a prison. Whether we justify imprisoning people in order to rehabilitate, them, to seek societal revenge against them, or to deter them and others from such activity, there can be no dispute over the true effects of imprisonment here and elsewhere. Too often the conditions found in our prisons brutalize people and create criminals, rather than improve people and deter criminal behavior. Lorton Reformatory provides us with a good example of many of these undesirable effects of incarceration, as you may well know.

Yet, the proposed transfer of prisoners from Lorton to another location, or locations, causes me great concern. I will never come before you to defend conditions found in that institution. But I will come before you to plead that, in considering any change in the location of the prison population of the District of Columbia, you

consider that the only positive, constructive influence with which a prisoner in Lorton will likely come into contact while incarcerated there is that provided by his family, friends and people in organizations like EFEC, all of whom desire to provide ex-offenders with a sense of belonging in their home community. Unless convicted offenders are incarcerated in the proximity of their true homes, they will never have the opportunity to benefit from these few positive forces in their lives.

One proposal you are now considering is the removal of the District of Columbia prison population from Lorton to a new location in the District of Columbia. With such a change I would have no quarrel. The tenuous contact between the prisoners and their community of family and friends would thus be unimpaired. But there have been suggestions made that the prison population of Lorton be dispersed to the four corners of the Federal prison system, and I am deeply troubled by such a possibility.

People in Virginia have complained in the past about the existence of a District of Columbia correctional facility on their soil. It is not unlikely that a portion of the District population will not support the construction of a prison facility to house District prisoners within the District itself. The people whose interests are lost in the debate over this issue are those, of course, who are the most powerless and at the same time the most immediately and traumatically affected by the resolution of this issue.

Ultimately, our entire society suffers from our unwillingness to deal humanely with those convicted of crimes and segregated from homes, family, friends, and freedom. I urge you not to lose sight of their needs. I urge you to consider what we would be doing to such people, in many ways victims as well as victimizers, by sending them away and incarcerating them beyond the reach of immediate contact with family, friends, and home. In such locations their daily contacts would be limited solely to other prisoners, prison guards and administrators, and the rare visit of some impersonal social worker.

What we have done with the prison population of Lorton is bad enough—please do not further compound the harm done to these people.

Thank you.

Senator BURDICK. Thank you for your contribution. Senator Scott?

Senator SCOTT. Mr. Chairman, I would commend the witness for his testimony, apparently he feels and speaks with deep feeling on this matter.

Certainly, all of us would commend you, Reverend Smith, for your own personal rehabilitation, having been once convicted of armed robbery, and spending 6 years in prison; and yet, for the past 16 years, I assume, that you have had no adverse connections with the law. And your worthwhile efforts in trying to find jobs for former convicts is something that we cannot but applaud. I'm real pleased that you were able to come here and make this contribution to our hearing today. Thank you.

Mr. SMITH. Thank you.

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[Letters and statements received by the subcommittee will appear in the record at this point.]

VOICE OF INFORMED COMMUNITY EXPRESSION.
Washington, D.C., August 4, 1975.

Hon. QUENTIN N. BURDICK, *Chairman,*
Subcommittee on National Penitentiaries,
Senate Judiciary Committee,
Russell Senate Office Building,
Washington, D.C.

Re S. 1243—To amend Chapter 301 of Title 18, United States Code, relating to the confinement of offenders in the Lorton Penal Institutions.

DEAR SENATOR BURDICK: The following statement is respectfully submitted by VOICE for inclusion in the record of the hearings currently being conducted by the Subcommittee on National Penitentiaries of the Senate Committee on the Judiciary.

For your information, VOICE (an acronym for Voice of Informed Community Expression) is an organization of community-involved men and women, of varying political, religious, racial and ethnic persuasion, who are working together to achieve orderly change and improvement in the Metropolitan Washington area. As such, our membership represents a broad base of community opinion and interest.

We have carefully studied the legislative proposals contained in S. 1243, and have concluded that VOICE should and does hereby oppose its enactment.

While it would be desirable that the correctional facilities embodied in the Lorton Penal Institutions be located within the jurisdictional confines of the District of Columbia, it is our opinion that such relocation is not physically practicable of accomplishment, would be fiscally extravagant, and would not serve the best interests of the Government and citizens of the District of Columbia, or the population of the Lorton institutions.

VOICE will not burden your Subcommittee with the detailed factual bases upon which the foregoing adverse conclusions are predicated, since they have been previously presented in great detail by the City Administrator of the Government of the District of Columbia on July 9th, with whose testimony VOICE concurs in its entirety.

In general, our position on S. 1243 is as follows:

We recognize the understandable desire of certain residence of Fairfax County to have this correctional institution removed from their residential locality. We also recognize that it would be municipally desirable to have this District of Columbia facility located within the geographical confines of the District. Especially is the consistent with the philosophy of Washington's newly bestowed local self-government under Home Rule.

Nevertheless, the possibilities of the situation must limit the credence it demands. When the problem of Lorton is approached from a practical and realisitc point of view, it becomes readily apparent that it is not economically, physically or organizationally feasible to compel an abandonment of the existing Lorton complex, and its reestablishment within the boundaries of the District of Columbia.

Obviously, there is no available single tract of land upon which to construct the entire replacement correctional institution. If it were decentralized throughout the District, seven (7) different site locations would be required, each having an area of at least forty (40) acres. No such parcels of land are available for such purpose throughout the City of Washington, nor could they be obtained without an inordinate expenditure, and the disruption and dislocation of long-established residential communities.

Moreover, the utilization of these tracts would cause a further diminution of the City's tax base, and would work other highly detrimental fiscal extravagances. The operation of these multiple facilities would be far more costly to administer, since each one would have to be self-contained, and any coordination of common services would be impossible. Also, the abandonment of the substantial investment in plant now at Lorton would cause an unsalvageable loss of capital funds, thus amounting to an unwarranted waste and extravagance.

In view of all these compelling considerations, VOICE feels strongly obliged to oppose the legislative enactment of S. 1243, and hereby lodges its organizational objection thereto for the record of the hearings thereon, soon to be concluded.

Respectfully submitted,

JOHN B. DUNCAN, *President.*

RICHARD K. LYON,
Legislative Counsel.

Senator BURDICK. The meeting will be adjourned.

[Whereupon, at 11:50 a.m. the subcommittee adjourned, subject to the call of the Chair.]

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